

STATE OF MINNESOTA

EIGHTY-FIRST SESSION — 1999

 FORTY-SIXTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 19, 1999

The House of Representatives convened at 12:00 noon and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Rabbi Andrea London, Temple Israel, Minneapolis, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dorman	Holberg	Lieder	Ozment	Storm
Abrams	Dorn	Holsten	Lindner	Paulsen	Swenson
Anderson, B.	Entenza	Howes	Luther	Pawlenty	Sykora
Anderson, I.	Erhardt	Huntley	Mahoney	Paymar	Tingelstad
Bakk	Erickson	Jaros	Mares	Pelowski	Tomassoni
Biernat	Finseth	Jennings	Mariani	Peterson	Trimble
Bishop	Folliard	Johnson	Marko	Pugh	Tuma
Boudreau	Fuller	Juhnke	McCollum	Rest	Tunheim
Bradley	Gerlach	Kahn	McElroy	Reuter	Van Dellen
Broecker	Gleason	Kalis	McGuire	Rhodes	Vandever
Buesgens	Goodno	Kelliher	Milbert	Rifenberg	Wagenius
Carlson	Gray	Kielkucki	Molnau	Rostberg	Wenzel
Carruthers	Greenfield	Knoblach	Mulder	Rukavina	Westerberg
Cassell	Greiling	Koskinen	Mullery	Schumacher	Westfall
Chaudhary	Gunther	Krinkie	Murphy	Seagren	Westrom
Clark, J.	Haake	Kubly	Ness	Seifert, J.	Wilkin
Clark, K.	Haas	Kuisle	Nornes	Seifert, M.	Winter
Daggett	Hackbarth	Larsen, P.	Olson	Skoe	Wolf
Davids	Harder	Larson, D.	Opatz	Skoglund	Workman
Dawkins	Hasskamp	Leighton	Osskopp	Smith	Spk. Sviggum
Dehler	Hausman	Lenczewski	Osthoff	Stanek	
Dempsey	Hilty	Leppik	Otremba	Stang	

A quorum was present.

Munger, Orfield, Solberg and Wejcman were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Storm moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Krinkie from the Committee on State Government Finance to which was referred:

H. F. No. 1124, A bill for an act relating to public safety; requiring bleacher safety; providing penalties; appropriating money; amending Minnesota Statutes 1998, sections 16B.72; 16B.73; and 240A.09; proposing coding for new law in Minnesota Statutes, chapters 16B; and 325F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [16B.616] [BLEACHER SAFETY.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given.

(b) "Place of public accommodation" means a public or privately owned sports or entertainment arena, gymnasium, auditorium, stadium, hall, special event center in a public park, or other facility for public assembly.

(c) "Bleacher" refers to any tiered or stepped seating facility, whether temporary or permanent, used in a place of public accommodation for the seating of its occupants.

Subd. 2. [APPLICATION.] All places of public accommodation must comply with the provisions of this section.

Subd. 3. [SAFETY REQUIREMENTS.] In places of public accommodation using bleacher seating, all bleachers or bleacher open spaces over 30 inches above grade or the floor below, must conform to the following safety requirements:

(1) The open space between bleacher footboards, seats, and guardrails must not exceed four inches, unless approved safety nets are installed.

(2) Bleachers must have vertical perimeter guardrails with no more than four-inch rail spacing between vertical rails or other approved guardrails which address climbability and are designed to prevent accidents. Safety nets and guardrail climbability shall be approved by the state building official pursuant to the alternate design section in the State Building Code.

(3) Bleachers already in existence as of the effective date of this act must comply with the structural provisions of the 1998 State Building Code. All new bleachers manufactured, installed, sold, or distributed after July 1, 1999, must comply with the State Building Code in effect and paragraphs (1) and (2).

Subd. 4. [ENFORCEMENT.] (a) A statutory or home rule charter city that is not covered by the code because of action taken under section 16B.72 or 16B.73 is responsible for enforcement in the city of the code's requirements for bleacher safety. In all other areas where the code does not apply because of action taken under section 16B.72 or 16B.73, the county is responsible for enforcement of those requirements.

(b) Municipalities which have not adopted the code may enforce the code requirements for bleacher safety by either entering into a joint powers agreement for enforcement with another municipality which has adopted the code; or contracting for enforcement with a qualified and certified building official or state licensed design professional to enforce the code.

(c) Municipalities, school districts, organizations, individuals, and other persons, operating or owning places of public accommodation with bleachers, shall provide a signed certificate of compliance to the commissioner by the effective date of this section. The signed certificate shall be prepared by a qualified and certified building official or state licensed design professional and shall certify that the bleachers have been inspected and are in compliance with the requirements of this section and are structurally sound.

Subd. 5. [PENALTIES.] The commissioner, in addition to other remedies provided for violations of this chapter, shall forbid use of bleachers not in compliance with this section consistent with priorities established in rule.

Subd. 6. [PERIODIC INSPECTIONS.] At a minimum, bleacher footboards and guardrails must be reinspected every five years and a structural inspection must be made every ten years. Nothing in this section precludes a municipal authority from establishing additional reinspections pursuant to the State Building Code. Inspections can be completed in the same manner as provided in subdivision 4.

Sec. 2. Minnesota Statutes 1998, section 16B.72, is amended to read:

16B.72 [REFERENDA ON STATE BUILDING CODE IN NONMETROPOLITAN COUNTIES.]

Notwithstanding any other provision of law to the contrary, a county that is not a metropolitan county as defined by section 473.121, subdivision 4, may provide, by a vote of the majority of its electors residing outside of municipalities that have adopted the State Building Code before January 1, 1977, that no part of the State Building Code except the building requirements for handicapped persons, the requirements for bleacher safety, and the requirements for elevator safety applies within its jurisdiction.

The county board may submit to the voters at a regular or special election the question of adopting the building code. The county board shall submit the question to the voters if it receives a petition for the question signed by a number of voters equal to at least five percent of those voting in the last general election. The question on the ballot must be stated substantially as follows:

"Shall the State Building Code be adopted in County?"

If the majority of the votes cast on the proposition is in the negative, the State Building Code does not apply in the subject county, outside home rule charter or statutory cities or towns that adopted the building code before January 1, 1977, except the building requirements for handicapped persons, the requirements for bleacher safety, and the requirements for elevator safety do apply.

Nothing in this section precludes a municipality or town that has not adopted the State Building Code from adopting and enforcing by ordinance or other legal means the State Building Code within its jurisdiction.

Sec. 3. Minnesota Statutes 1998, section 16B.73, is amended to read:

16B.73 [STATE BUILDING CODE IN MUNICIPALITIES UNDER 2,500; LOCAL OPTION.]

The governing body of a municipality whose population is less than 2,500 may provide that the State Building Code, except the requirements for handicapped persons, the requirements for bleacher safety, and the requirements for elevator safety, will not apply within the jurisdiction of the municipality, if the municipality is located in whole or in part within a county exempted from its application under section 16B.72. If more than one municipality has jurisdiction over an area, the State Building Code continues to apply unless all municipalities having jurisdiction over the area have provided that the State Building Code, except the requirements for handicapped persons, the requirements for bleacher safety, and the requirements for elevator safety, does not apply within their respective jurisdictions. Nothing in this section precludes a municipality or town from adopting and enforcing by ordinance or other legal means the State Building Code within its jurisdiction.

Sec. 4. Minnesota Statutes 1998, section 240A.09, is amended to read:

240A.09 [PLAN DEVELOPMENT; CRITERIA.]

The Minnesota amateur sports commission shall develop a plan to promote the development of proposals for new statewide public ice facilities including proposals for ice centers and matching grants based on the criteria in this section.

(a) For ice center proposals, the commission will give priority to proposals that come from more than one local government unit.

(b) In the metropolitan area as defined in section 473.121, subdivision 2, the commission is encouraged to give priority to the following proposals:

- (1) proposals for construction of two or more ice sheets in a single new facility;
- (2) proposals for construction of an additional sheet of ice at an existing ice center;
- (3) proposals for construction of a new, single sheet of ice as part of a sports complex with multiple sports facilities; and
- (4) proposals for construction of a new, single sheet of ice that will be expanded to a two-sheet facility in the future.

(c) The commission shall administer a site selection process for the ice centers. The commission shall invite proposals from cities or counties or consortia of cities. A proposal for an ice center must include matching contributions including in-kind contributions of land, access roadways and access roadway improvements, and necessary utility services, landscaping, and parking.

(d) Proposals for ice centers and matching grants must provide for meeting the demand for ice time for female groups by offering up to 50 percent of prime ice time, as needed, to female groups. For purposes of this section, prime ice time means the hours of 4:00 p.m. to 10:00 p.m. Monday to Friday and 9:00 a.m. to 8:00 p.m. on Saturdays and Sundays.

(e) The location for all proposed facilities must be in areas of maximum demonstrated interest and must maximize accessibility to an arterial highway.

(f) To the extent possible, all proposed facilities must be dispersed equitably, must be located to maximize potential for full utilization and profitable operation, and must accommodate noncompetitive family and community skating for all ages.

(g) The commission may also use the funds to upgrade current facilities, purchase girls' ice time, or conduct amateur women's hockey and other ice sport tournaments.

(h) To the extent possible, 50 percent of all grants must be awarded to communities in greater Minnesota.

(i) To the extent possible, technical assistance shall be provided to Minnesota communities by the commission on ice arena planning, design, and operation, including the marketing of ice time.

(j) The commission may use funds for rehabilitation and renovation grants. Priority must be given to grant applications for indoor air quality improvements, including zero emission ice resurfacing equipment.

(k) Grant funds may be used for ice centers designed for sports other than hockey.

(l) Grant funds may be used to upgrade current facilities so they are in compliance with the bleacher safety requirements of section 16B.616.

Sec. 5. [325F.015] [UNSAFE BLEACHERS.]

Subdivision 1. [BLEACHER BAN.] No person shall manufacture, sell, distribute, or install bleachers within Minnesota that are not in compliance with section 16B.616. For purposes of this section, "person" means an individual, public or private entity, however organized, or a unit of state or local government.

Subd. 2. [PENALTY.] Any person who violates this section shall be subject to a civil penalty of \$500 for each violation.

Sec. 6. [EFFECTIVE DATE.]

Sections 1, 2, 3, and 5 are effective January 1, 2001, except the provisions governing manufacture, sale, installation, or distribution of new bleachers are effective July 1, 1999."

Delete the title and insert:

"A bill for an act relating to public safety; requiring bleacher safety; providing penalties; amending Minnesota Statutes 1998, sections 16B.72; 16B.73; and 240A.09; proposing coding for new law in Minnesota Statutes, chapters 16B; and 325F."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Knoblach from the Committee on Capital Investment to which was referred:

H. F. No. 2205, A bill for an act relating to education; authorizing certain construction.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [CAPITAL IMPROVEMENT APPROPRIATIONS.]

The sums in the column under "APPROPRIATIONS" are appropriated with certain conditions and directions from the bond proceeds fund, or other named fund, to the state agencies or officials indicated, to be spent for public purposes including to acquire and to better public land and buildings and other public improvements of a capital nature, as specified in this act.

SUMMARY

Minnesota State Colleges and Universities	\$6,350,000
Natural Resources	16,677,000
Office of Environmental Assistance	3,000,000
Trade and Economic Development	595,000
Public Facilities Authority	7,200,000

Administration	5,800,000
Transportation	440,000
Corrections	1,785,000
Bond Sale Expenses	43,000
Cancellations	(30,400,000)
TOTAL	\$ 41,890,000
Bond Proceeds Fund	41,890,000

APPROPRIATIONS

\$

Sec. 2. MINNESOTA STATE COLLEGES AND UNIVERSITIES

Subdivision 1. To the board of trustees of the Minnesota state colleges and universities for the purposes specified in this section 6,350,000

Subd. 2. Metropolitan State University 250,000

For strategic land acquisition in the area adjacent to the St. Paul campus.

Subd. 3. Winona State University 6,100,000

To replace or renovate the boiler system at Winona State University.

Subd. 4. Higher Education Asset Preservation and Replacement (HEAPR)

(a) The board of trustees must spend the amounts listed for the purposes stated in this subdivision as provided in Minnesota Statutes, section 135A.046, subdivision 3, from money appropriated for the purpose in Laws 1998, chapter 404, section 3, subdivision 2.

(b) \$400,000 is for the upgrade and replacement of underground and aboveground storage tanks.

(c) \$1,090,000 is to demolish structures, eliminate blight, and provide security lighting on certain recently acquired land at Moorhead state university.

(d) \$1,250,000 is for improvements of a capital nature to the heating, ventilation, and air conditioning system at Ridgewater Community and Technical College, Hutchinson.

Sec. 3. NATURAL RESOURCES

Subdivision 1. To the commissioner of natural resources for the purposes specified in this section 16,677,000

APPROPRIATIONS

\$

Subd. 2. East Grand Forks	15,877,000
For dike construction for the East Grand Forks flood damage reduction program. This grant does not require a local match.	
Subd. 3. Warren	800,000
For dike construction for the flood damage reduction program for the city of Warren. This grant does not require a local match.	
Sec. 4. OFFICE OF ENVIRONMENTAL ASSISTANCE	3,000,000
To the director of the office of environmental assistance for a grant under Minnesota Statutes, chapter 115A, not to exceed \$3,000,000, for the retrofit and reconstruction of a solid waste resource recovery facility located in the city of Perham that serves a seven-county area. The appropriation is available until June 30, 2001.	
Sec. 5. TRADE AND ECONOMIC DEVELOPMENT	595,000
To the commissioner of trade and economic development for a grant to the city of St. Paul to design and construct a dry basin holding pond for flood mitigation in the Hoyt Avenue area of St. Paul.	
Sec. 6. PUBLIC FACILITIES AUTHORITY	7,200,000
To the public facilities authority for state matching money for federal grants to capitalize the drinking water revolving fund and water pollution control revolving fund under Minnesota Statutes, sections 446A.07 and 446A.081.	
Sec. 7. ADMINISTRATION	
Subdivision 1. To the commissioner of administration for the purposes specified in this section	5,800,000
Subd. 2. Capital Asset Preservation and Replacement (CAPRA)	3,000,000
To be spent in accordance with Minnesota Statutes, section 16A.632.	
None of this appropriation may be used for renovation of the Minnesota Veterans Home - Luverne campus.	
Of this amount, \$190,000 is for capital repair and betterment of roofs on buildings 1, 2, and 4, at the Hastings Veterans Home. This amount is available when the commissioner of finance determines that the Veterans Home Board is in compliance with Minnesota Statutes, sections 16A.695 and 198.31, with respect to the Hastings Veterans Home.	

APPROPRIATIONS

\$

Subd. 3. Predesign and Design Grant

2,800,000

For a grant to the county of Itasca for predesign and design of public infrastructure improvements including railroad access and natural gas right-of-way and pipeline, public highway improvements, and freshwater wells and wastewater treatment facilities and pipelines, all in connection with the construction of a new steel mill.

Sec. 8. TRANSPORTATION

440,000

Up to \$440,000, not exceeding 80 percent of project cost, is appropriated to the commissioner of transportation for a loan at four percent annual interest to the city of Brooklyn Park for the purpose of constructing a pedestrian bridge across trunk highway No. 252. This appropriation is only available if the project qualifies for federal TEA-21 funding and the loan shall be repaid at the time of Federal Highway Administration reimbursement to the city to the commissioner of finance to be returned to the debt service fund.

Sec. 9. CORRECTIONS

1,785,000

To the commissioner of administration for design for renovations of a capital nature to the storm and sanitary sewer lines at the correctional facility at Faribault and for making emergency capital repairs to the system.

Sec. 10. BOND SALE EXPENSES

43,000

To the commissioner of finance for bond sale expenses under Minnesota Statutes, section 16A.641, subdivision 8. This appropriation is from the bond proceeds fund.

Sec. 11. BOND SALE SCHEDULE

The commissioner of finance shall schedule the sale of state general obligation bonds so that, during the biennium ending June 30, 2001, no more than \$527,604,000 will need to be transferred from the general fund to the state bond fund to pay principal and interest due and to become due on outstanding state general obligation bonds. During the biennium, before each sale of state general obligation bonds, the commissioner of finance shall calculate the amount of debt service payments needed on bonds previously issued and shall estimate the amount of debt service payments that will be needed on the bonds scheduled to be sold. The commissioner shall adjust the amount of bonds scheduled to be sold so as to remain within the limit set by this section. The amount needed to make the debt service payments is appropriated from the general fund as provided in Minnesota Statutes, section 16A.641.

Sec. 12. [BOND SALE AUTHORIZATION.]

To provide the money appropriated in this act from the bond proceeds fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$41,890,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Sec. 13. Minnesota Statutes 1998, section 16A.69, subdivision 2, is amended to read:

Subd. 2. [TRANSFER BETWEEN ACCOUNTS.] Upon the awarding of final contracts for the completion of a project for construction or other permanent improvement, or upon the abandonment of the project, the agency to whom the appropriation was made may transfer the unencumbered balance in the project account to another project enumerated in the same section of that appropriation act, or may transfer unencumbered balances from agency operating funds. The transfer must be made only to cover bids for the other project that were higher than was estimated when the appropriation for the other project was made and not to cover an expansion of the other project. The money transferred under this section is appropriated for the purposes for which transferred. For transfers for technical colleges by the board of trustees of the Minnesota state colleges and universities, the total cost of both projects and the required local share for both projects are adjusted accordingly. The agency proposing a transfer shall ~~report to obtain approval from the commissioner of finance and~~ the chair of the senate finance committee and the chair of the house of representatives ways and means committee before the transfer is made under this subdivision.

Sec. 14. [16A.86] [CAPITAL PROJECT GRANTS TO POLITICAL SUBDIVISIONS.]

Subdivision 1. [PROJECTS COVERED.] The only capital improvement projects covered by this section are those not covered by another state program of assistance to political subdivisions.

Subd. 2. [BUDGET REQUEST.] A political subdivision that requests an appropriation of state general funds or state general obligation bond proceeds for a local capital improvement project is encouraged to submit the request to the commissioner of finance by June 1 of an odd-numbered year to ensure its full consideration. The request must be submitted in the form and with the supporting documentation required by the commissioner of finance. All requests timely received by the commissioner must be forwarded to the legislature, along with agency requests, by the deadline established in section 16A.11, subdivision 1.

Subd. 3. [EVALUATION.] (a) The commissioner shall evaluate all requests from political subdivisions for state assistance based on the following criteria:

(1) the political subdivision has provided for local, private, and user financing for the project to the maximum extent possible;

(2) the project helps fulfill an important state mission;

(3) the project is of regional or statewide significance;

(4) the project will not require new or any additional state operating subsidies;

(5) the project will not expand the state's role in a new policy area;

(6) state funding for the project will not create significant inequities among local jurisdictions;

(7) the political subdivision has presented a credible plan for how ongoing maintenance of the project will be funded over its estimated life;

(8) the project will not compete with other facilities so that the other facilities lose a significant number of users to the new project; and

(9) the governing bodies of those political subdivisions primarily benefiting from the project have passed resolutions in support of the project.

(b) The commissioner's evaluation of each request, including whether it meets each of the criteria in paragraph (a), must be submitted to the legislature along with the governor's recommendations under section 16A.11, subdivision 1, whether or not the governor recommends that the request be funded.

Subd. 4. [FUNDING.] (a) If a project covered by this section is funded, the amount of funding must be no more than half the total cost of the project, including predesign, design, construction, furnishings, and equipment.

(b) Notwithstanding paragraph (a), greater than 50 percent funding of projects that are deemed needed as a result of a disaster or to prevent a disaster, or that meet the criteria in subdivision 3, paragraph (a), but are located in political subdivisions with very low average net tax capacities is permitted.

(c) This section does not prevent the governor from recommending, or the legislature from funding, projects that do not meet the criteria in subdivision 3 or 4 when the governor or the legislature determines that there is a compelling reason for the recommendation or funding.

Sec. 15. Minnesota Statutes 1998, section 16B.30, is amended to read:

16B.30 [GENERAL AUTHORITY.]

(a) Subject to other provisions in this chapter, the commissioner shall supervise and control the making of all contracts for the construction of buildings and for other capital improvements to state buildings and structures, other than buildings and structures under the control of the board of trustees of the Minnesota state colleges and universities. Except as provided in ~~paragraph~~ paragraphs (b) and (c), a state agency may not undertake improvements of a capital nature without specific legislative authority.

(b) Specific legislative authority is not required for repairs or minor capital projects financed with operating appropriations or agency receipts that:

- (1) are undertaken for asset preservation or code compliance purposes; or
- (2) do not materially increase the net square footage of a facility; and in either case
- (3) do not materially increase the cost of agency programs.

(c) Unless the commissioner determines that an urgency exists, the commissioner of an agency undertaking a project with a cost in excess of \$50,000 pursuant to this paragraph (b) shall notify the chairs of the senate finance committee, the house capital investment committee, the house ways and means committee, the appropriate house and senate finance divisions, and the director of the legislative coordinating commission prior to incurring any contractual obligation with regard to the project. Any agency undertaking any project pursuant to this paragraph during fiscal year 1999 must report all such projects to the legislature by January 1, 2000.

Sec. 16. Minnesota Statutes 1998, section 136F.36, is amended by adding a subdivision to read:

Subd. 4. [STORAGE AND RETENTION OF DOCUMENTS.] Notwithstanding section 16A.58, the board may store and retain at the respective technical college original documents from carpentry program transactions, including but not limited to deeds, abstracts of title, and certificates of title.

Sec. 17. Minnesota Statutes 1998, section 136F.60, is amended by adding a subdivision to read:

Subd. 3. [EASEMENTS.] The board may grant permanent or temporary easements over, under, or across any land under its jurisdiction for reasonable purposes determined by the board.

Sec. 18. Minnesota Statutes 1998, section 353.03, subdivision 4, is amended to read:

Subd. 4. [OFFICES.] The commissioner of administration shall may make provision for suitable office space in the state capitol or other state office buildings, or at such other location in St. Paul as is determined by the commissioner for the use of the board of trustees and its executive director. The commissioner shall give the board at least four months notice for any proposed removal from their present location. Any and all rental charges shall be paid by the trustees from the public employees retirement fund.

Sec. 19. Minnesota Statutes 1998, section 354.06, subdivision 7, is amended to read:

Subd. 7. [OFFICES.] A suitable office shall may be provided by the state through the proper officer for the use of the board and its executive director.

Sec. 20. [356.89] [PUBLIC PENSION FACILITIES.]

Subdivision 1. [BUILDING; RELATED FACILITIES.] The board of directors of the Minnesota state retirement system, the board of trustees of the public employees retirement association, and the board of trustees of the teachers retirement association, are authorized to expend or otherwise pledge pension funds or the proceeds of revenue bonds as provided in subdivision 3 for the common ownership, operation, and improvement of a building and related facilities for the administration of their public pension systems. This authority includes the authority to purchase or lease land and facilities and the authority to design, construct, furnish, improve, and equip a building and related parking facilities to accommodate employees and visitors. The boards' planning, selection, design, and building of facilities are not subject to the capital improvements provisions of sections 16B.30 to 16B.33. The competitive acquisition process set forth in chapter 16C does not apply provided the process set forth in subdivision 2 is followed. Notwithstanding that no appropriation is made, the requirements of section 16B.335 apply to this project. The boards must obtain approval of the chair of the house ways and means committee and the chair of the senate state government finance committee to construct, lease, or acquire new space for the administration of their pension systems.

Subd. 2. [CONTRACTING PROCEDURES.] (a) The boards may enter into a contract for facilities with a contractor to furnish the architectural, engineering, and related services as well as the labor, materials, supplies, equipment, and related construction services on the basis of a request for qualifications and competitive responses received through a request for proposals process which must include the items listed in paragraphs (b) to (i).

(b) Prior to issuing a request for qualifications and a request for proposals, the boards, with the assistance of the department of administration, shall prepare performance criteria and specifications which shall include:

- (1) a general floor plan or layout indicating the general dimensions of the public building and space requirements;
- (2) design criteria for the exterior and site area;
- (3) performance specifications for all building systems and components to assure quality and cost efficiencies;
- (4) conceptual floor plans for systems space;
- (5) preferred types of interior finishes, styles of windows, lighting and outlets, doors, and features such as built-in counters and telephone wiring;
- (6) mechanical and electrical requirements;

(7) special interior features required; and

(8) completion schedule.

(c) The boards shall first solicit statements of qualifications from eligible contractors and select more than one qualified contractor based upon experience, technical competence, past performance, capability to perform, and other appropriate facts. Contractors selected under this process shall be, employ, or have as a partner, member, coventurer, or subcontractor, persons licensed and registered under chapter 326 to provide the services required to design and complete the project. The boards do not have to select any of the respondents if none reasonably fulfill the criteria set forth within.

(d) The contractors selected shall be asked to respond to a request for proposals. Responses must include site plans, design concept, elevation, statement of material to be used, floor layouts, a detailed development budget, and a total cost to complete the project. The proposal must indicate that the contractor obtained at least two proposals from subcontractors for each item of work and must set forth how the subcontractors were selected. The boards shall evaluate the proposals based upon design, cost, quality, aesthetics, and the best overall value to the state pension funds. The board need not select any of the proposals submitted and reserves the right to reject any and all proposals, and may terminate the process or revise the request for proposals and solicit new proposals if the boards determine that the best interests of the pension funds would be better served by doing so. Proposals submitted shall constitute nonpublic data until the contract is awarded.

(e) The contract selected must comply with section 574.26 to 574.261. Prior to the execution of a final contract, the contractor selected shall certify a firm construction price and completion date.

(f) The boards may consider building sites in the city of St. Paul and surrounding suburbs.

(g) Any land, building, or facility leased, constructed, or acquired and any leasehold interest acquired under this section shall be held in common ownership in the name of the three retirement systems as tenants in common. Each retirement system fund shall consider its interest as a fixed asset of its pension fund in accordance with governmental accounting standards.

(h) The boards may lease to another governmental subdivision any portion of the funds' building and lands which is not required for their direct use upon such terms and conditions as they deem to be in the best interest of the pension funds. Any income accruing from such rentals shall be separately accounted for and utilized to offset ongoing administrative expenses and any excess shall be carried forward for future administrative expenses. The boards are also authorized to enter into lease agreements for the establishment of satellite offices should the boards find such offices to be necessary in order to assure their members reasonable access to their services. The boards also have the authority to request the commissioner of administration to lease any portion of their building not required for their direct use pursuant to the commissioner's authorities under section 16B.24.

(i) The boards shall formulate and adopt a written working agreement which shall set forth the nature of each retirement system's ownership interest, the duties and obligations of each system towards the construction, operation, and maintenance costs of their facilities, and the identification of one retirement fund to serve as manager for operating and maintenance purposes. The boards may contract with independent third parties for maintenance-related activities, services, and supplies, and may utilize the services of the department of administration where economically feasible to do so. In the event the boards cannot agree or resolve a dispute which relates to operations or maintenance of the facilities, they may request the commissioner of administration to appoint a representative from the department's real estate management division to serve as arbitrator of the dispute with authority to issue a written resolution of the dispute.

Subd. 3. [REVENUE BONDS AUTHORIZED.] The boards, or any of them, may issue revenue bonds in the principal amount necessary, in the opinion of the boards, to achieve the purposes described in subdivisions 1 and 2; to pay issuance costs and interest costs; and to establish necessary reserves to secure the bonds. The boards may issue bonds for the purpose of refunding bonds issued under this subdivision.

Subd. 4. [PROCEDURE.] The bonds authorized in subdivision 3 must be sold, issued, and secured in the manner provided in chapter 475 for bonds payable solely from revenues, and the boards have the same powers and duties as a municipality and its governing body in issuing bonds under that chapter. The bonds may be sold at any price and at public or private sale as determined by the boards. The bonds may be sold in one or more series. Different series may be backed by different revenue sources. No election is required.

Subd. 5. [NONLIABILITY OF STATE.] The state of Minnesota is not liable on bonds of the boards and the bonds are not a general or moral obligation of the state.

Subd. 6. [NONLIABILITY OF INDIVIDUALS.] Neither the members of the boards nor any person executing the bonds on behalf of the boards shall be personally liable on the bonds or subject to any personal liability or accountability by reason of executing them.

Sec. 21. Minnesota Statutes 1998, section 457A.04, is amended by adding a subdivision to read:

Subd. 6. [USE AGREEMENTS.] Notwithstanding section 16A.695, for leases or management contracts entered into with respect to property acquired or bettered with the proceeds of state general obligations bonds, (1) a port authority may meet its obligations and expenses of operating and reinvesting capital improvements by retaining revenues received under leases or management contracts and is not required to pay lease or management contract revenues to the commissioner of finance; and (2) the lease or management contract entered into by a port authority must not be canceled or terminated as a result of changes or termination by the state in the governmental program of the port authority unless compensation is paid as provided by law.

Sec. 22. Laws 1998, chapter 404, section 3, subdivision 17, is amended to read:

Subd. 17. Pine Technical College 1,700,000

To predesign, design, ~~and renovate,~~ and construct an addition for a telecommunications/media/technology center, student services, administrative services, classrooms, and a regional economic development center. This project may be a part of a larger advanced technology center project at the college if federal funds are available for the larger project. The board must not proceed with the larger advanced technology center project without the approval of the chairs of the house committee on ways and means and the senate committee on education finance.

Sec. 23. Laws 1998, chapter 404, section 5, subdivision 4, is amended to read:

Subd. 4. Recreation and Community Center Grants ~~10,800,000~~
10,500,000

(a) Unless otherwise specifically provided, the commissioner may not make a grant from this appropriation until the commissioner has determined that at least an equal amount has been committed to the project from nonstate sources.

(b) The commissioner may not make a grant under this subdivision until the commissioner has determined that, if the center will charge a fee for use of the center's facilities, the plan for operating the center includes free or reduced-rate use of the facilities by individuals and families that have a household income at or below 150 percent of the federal poverty income guidelines.

(c) The commissioner may not make a grant under this subdivision until the commissioner has determined that the recipient has the ability and a plan to fund the program intended for the facility.

(d) Dawson-Boyd Educational and Community Center 1,000,000

For a grant to independent school district No. 378, Dawson-Boyd, to design, construct, furnish, and equip an educational and community center.

(e) Detroit Lakes Community Center 1,500,000

For a grant to the city of Detroit Lakes to design, construct, furnish, and equip the Detroit Lakes Community Center.

(f) Granite Falls Area Multipurpose Community Recreation and Education Center 1,000,000

For a grant to the city of Granite Falls to design, construct, furnish, and equip a multipurpose community recreation and education building.

(g) Hallett Community Center, City of Crosby 300,000

For a grant to the city of Crosby to design, construct, furnish, and equip the Hallett Community Center.

(h) Hastings Municipal Water Park 500,000

For a grant to the city of Hastings to design, construct, furnish, and equip a municipal water park.

(i) Hermantown Community Indoor Sports and Physical Education Complex 1,000,000

For a grant to independent school district No. 700, Hermantown, to design, construct, furnish, and equip a community indoor sports and physical education complex with an indoor track.

(j) Isle Community Center ~~1,000,000~~
700,000

For a grant to independent school district No. 473, Isle, to convert a school building into a community center. Programs located at the converted facility must include the alternative education program, early childhood family education programs, ~~centralized school district kitchen facilities~~, and other community programs. This appropriation is available on a dollar for dollar basis as matching funds are committed from nonstate sources.

(k) Lake Crystal Area Recreation Center 1,500,000

For a grant to the city of Lake Crystal to design, construct, furnish, and equip the Lake Crystal Area Recreation Center.

(l) Proctor Community Activity Center 1,000,000

For a grant to the city of Proctor to design, construct, furnish, and equip a city community activity center designed to provide facilities for city government, library, arts, museum, and other public functions.

(m) Redwood Valley Multipurpose Education and Community Center 1,000,000

For a grant to independent school district No. 2758, Redwood Falls, to design, construct, furnish, and equip a multipurpose education and community center to be constructed and operated under a joint powers agreement with the city of Redwood Falls.

The center must provide: (1) expanded physical education curriculum for Redwood Valley students; (2) a latchkey program and an after-school program for at-risk youth; (3) expanded healthy lifestyle community education and recreation programs for all age groups in the community; and (4) community conference and meeting facilities.

(n) Windom Area Multipurpose Center 1,000,000

For a grant to the city of Windom to design, construct, furnish, and equip a multipurpose center.

Sec. 24. Laws 1998, chapter 404, section 7, subdivision 23, is amended to read:

Subd. 23. Metro Regional Trails 5,000,000

For grants to the metropolitan council for acquisition and development of a capital nature of trail connections in the metropolitan area as specified in this subdivision. The purpose of the grants is to improve trails in the metropolitan park and open space system and connect them with existing state and regional trails. Priority shall be given to matching funds for an ISTEA grant.

The funds shall be allocated by the council as follows:

(1) \$1,050,000 is allocated to Ramsey county as follows:

(i) \$400,000 to complete six miles of trails between the Burlington Northern Regional Trail and Bald Eagle-Otter Lake Regional Park;

(ii) \$150,000 to complete a one-mile connection between Birch Lake and the Lake Tamarack segment of Bald Eagle-Otter Lake Regional Park;

(iii) \$500,000 to acquire real property and design and construct or renovate recreation facilities along the Mississippi River in cooperation with the city of St. Paul;

(2) \$1,050,000 is allocated to the city of St. Paul as follows:

(i) \$250,000 to construct a bridge over Lexington Parkway in Como Regional Park; and

(ii) \$800,000 to enhance amenities for the trailhead at the Lilydale-Harriet Island Regional Park pavilion;

(3) \$1,400,000 is allocated to Anoka county ~~as follows to~~ construct:

(i) ~~\$1,100,000 to construct~~ a pedestrian tunnel under Highway 65 on the Rice Creek West Regional Trail in the city of Fridley; and

(ii) ~~\$300,000 to construct~~ a pedestrian bridge on the Mississippi River Regional Trail crossing over Mississippi Street in the city of Fridley; and

(4) \$1,500,000 is allocated to the suburban Hennepin regional park district as follows:

(i) \$1,000,000 to connect North Hennepin Regional Trail to Luce Line State Trail and Medicine Lake; and

(ii) \$500,000 is for the cost of development and acquisition of the Southwest regional trail in the city of St. Louis Park. The trail must connect the Minneapolis regional trail system at Cedar Lake park to the Hennepin parks regional trail system at the Hopkins trail head.

Sec. 25. Laws 1998, chapter 404, section 7, subdivision 26, is amended to read:

Subd. 26. Local Initiative Grants

8,000,000

For matching grants to be provided to local units of government for acquisition, development, or renovation of a capital nature of local parks, trails, and natural and scenic areas. Recipients must provide a match of at least one-half of total eligible project costs. The commissioner shall make payment to local units of government upon receiving documentation of reimbursable expenditures. The commissioner shall determine project priorities as appropriate based upon need.

\$3,500,000 of this appropriation is for grants to units of government to acquire and develop outdoor recreation areas, and for grants to units of government to acquire and better natural and scenic areas under Minnesota Statutes, section 85.019, subdivision 4a.

\$1,000,000 of this appropriation is for cooperative trail grants of up to \$50,000 per project to acquire or construct trail linkages between communities, trails, and parks.

\$3,500,000 of this appropriation is for trail grants for the following locally funded publicly owned trails serving multiple communities: \$1,400,000 for Beaver Island Trail in Stearns County, \$1,400,000 for Skunk Hollow Trail in Yellow Medicine and Chippewa Counties, and \$700,000 for Unity Trail in Faribault County. The grant for Beaver Island Trail in Stearns County is available in the manner and the order that follows: \$500,000 is available upon commitment of an equal amount from nonstate sources, \$152,000 is available upon contribution of an equal amount from local governments, \$374,000 is available upon commitment of an equal amount from nonstate sources, and the balance of \$374,000 is available upon commitment of an equal amount from nonstate sources.

Sec. 26. Laws 1998, chapter 404, section 13, subdivision 12, is amended to read:

Subd. 12. Dahl House Relocation	100,000
	<u>60,000</u>

This appropriation is from the general fund to relocate the Dahl House ~~near its original site;~~ and stabilize; and restore the structure. ~~Up to \$150,000 from the plaza percent for art budget may be used for the restoration and related art objects.~~

Sec. 27. Laws 1998, chapter 404, section 27, subdivision 1, is amended to read:

Subdivision 1. [BOND PROCEEDS FUND.] To provide the money appropriated in this act from the bond proceeds fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to ~~\$463,795,000~~ \$105,145,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Sec. 28. Laws 1998, chapter 404, section 27, subdivision 2, is amended to read:

Subd. 2. [TRANSPORTATION FUND.] To provide the money appropriated in this act from the transportation fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to ~~\$34,000,000~~ \$4,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to a bond proceeds account in the state transportation fund.

Sec. 29. [CANCELLATION AND REDUCED AUTHORIZATION.]

\$400,000 of the appropriation in Laws 1998, chapter 404, section 26, for bond sale expense is canceled. The bond sale authorization in Laws 1998, chapter 404, section 27, subdivision 1, is reduced by \$400,000.

Sec. 30. [VETERANS HOMES IMPROVEMENTS.]

Notwithstanding Minnesota Statutes, section 16B.30, the veterans homes board of directors may make and maintain the improvements to the veterans homes listed in clauses (1) to (5) using money donated for those purposes:

(1) a picnic pavilion at the Minneapolis veterans home;

(2) walking trails at the Hastings veterans home;

- (3) walking trails and landscape at the Silver Bay veterans home;
- (4) an entrance canopy at the Fergus Falls veterans home; and
- (5) a suspended wooden deck for dining at the Luverne veterans home.

Sec. 31. [ITASCA COMMUNITY COLLEGE; AUTHORIZATION.]

The board of trustees of the Minnesota state colleges and universities may construct the following facilities at Itasca community college:

(1) a two classroom addition to be located between the college center building and Davies hall, funding for the project to come from lease revenue supplied from nonstate sources; and

(2) an addition to the existing child care center, funding for the construction to come from a 1997 special appropriation to establish pilot infant child care programs with matching funds supplied from nonstate sources.

Sec. 32. [REQUEST TO LEGISLATIVE AUDIT COMMISSION.]

The legislative audit commission is requested to direct the legislative auditor to investigate the mold problem at the Luverne veterans home, the state response to the problem, and the original cause of the problem, including whether inadequate state building standards, or noncompliance with state building standards, contributed to this problem and whether other state buildings are at risk due to inadequate standards or noncompliance with state building standards, and report back to the commission for its review and thereafter to the legislature. This section does not restrict the department of administration or the veterans home board from undertaking capital improvements to correct the mold problem.

Sec. 33. [EFFECTIVE DATE.]

This act is effective the day after its final enactment."

Delete the title and insert:

"A bill for an act relating to public administration; authorizing spending for public purposes; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature; authorizing certain improvements and transfers between accounts; providing a procedure for political subdivisions' request for capital assistance; making technical corrections; amending earlier authorizations; authorizing bonds; providing for certain public pension associations' facilities; providing for storage and retention of certain documents; authorizing certain easements; providing for certain port authority leases or management contracts; requesting an investigation and report; authorizing a certain college project that will be funded from nonstate sources; appropriating money with certain conditions and directions; amending Minnesota Statutes 1998, sections 16A.69, subdivision 2; 16B.30; 136F.36, by adding a subdivision; 136F.60, by adding a subdivision; 353.03, subdivision 4; 354.06, subdivision 7; and 457A.04, by adding a subdivision; Laws 1998, chapter 404, sections 3, subdivision 17; 5, subdivision 4; 7, subdivisions 23 and 26; 13, subdivision 12; and 27, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 16A; and 356."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 2404, A bill for an act relating to the operation of state government; crime prevention and judiciary finance; appropriating money for the judicial branch, public safety, public defense, corrections, human rights, and related purposes; increasing and prescribing criminal penalties for certain offenses; expanding the categories of offenders that must provide a biological specimen for DNA testing; allowing separate sentences and consecutive sentences in certain situations; requiring a statewide model policy governing police pursuits; requiring training on emergency vehicle operations; providing for integrated criminal justice information systems; transferring the office of drug policy and violence prevention from the department of children, families, and learning to the department of public safety; clarifying certain public safety procedures; establishing the Rush city correctional facility; modifying productive day programs; delaying the transfer of per diem funding for battered women shelters; transferring victim and offender mediation programs from the supreme court to the center for crime victim services; establishing a residential program for women leaving prostitution; establishing a neighborhood-based crime victim and witness services program; providing for the state takeover of costs of certain court-related programs; providing for the state takeover of court administration employees and costs in certain judicial districts; increasing the number of judges in certain judicial districts; creating a program to license qualified court interpreters; identifying collective bargaining rights and processes for court employees; amending Minnesota Statutes 1998, sections 2.722, subdivision 1; 43A.02, subdivision 25; 43A.24, subdivision 2; 119A.26; 119A.28, subdivisions 2 and 3; 119A.29, subdivision 1; 119A.32; 119A.33; 119A.34, subdivisions 3 and 4; 168A.40, subdivision 2; 179A.03, subdivisions 7, 14, 15, and by adding a subdivision; 179A.06, subdivision 2; 179A.10, subdivision 4; 179A.12, subdivision 4; 179A.22, subdivisions 2 and 3; 241.275, subdivisions 1 and 2; 242.192; 243.50; 244.05, subdivisions 4 and 5; 244.18, subdivision 3; 253B.23, subdivisions 1 and 8; 257.69, subdivision 2; 260.251, subdivisions 2 and 5; 260.56; 299C.063, subdivision 2; 299C.65, subdivisions 2, 5, and by adding subdivisions; 466.01, subdivision 6; 480.181, subdivision 1; 484.013, subdivisions 1 and 2; 484.64, subdivision 3; 484.65, subdivision 3; 485.018, subdivisions 2 and 6; 485.03; 485.27; 487.10, subdivision 4; 518.165, subdivision 3; 546.13; 546.44, subdivision 3; 563.01, subdivisions 2, 9, and 10; 609.035, subdivisions 1, 2, and by adding a subdivision; 609.102, by adding a subdivision; 609.1095, by adding a subdivision; 609.3461, subdivisions 1 and 2; 611.33, subdivision 3; 611A.77; 626.5532; and 626.845, subdivision 1; Laws 1997, chapter 85, article 3, section 53; proposing coding for new law in Minnesota Statutes, chapters 12; 179A; 241; 243; 299A; 477A; 480; and 626; repealing Minnesota Statutes 1998, sections 119A.04, subdivision 5; 241.275, subdivision 5; 241.277; 256D.05, subdivisions 3 and 3a; 357.021, subdivision 2a; 563.01, subdivision 1; and 609.113.

Reported the same back with the following amendments:

Page 7, lines 44 and 45, delete "\$2,000,000" and insert "\$2,650,000"

Page 11, line 12, delete "\$250,000" and insert "\$263,000" and delete "\$350,000" and insert "\$361,000"

Page 14, line 52, delete ", increased intensive"

Page 14, delete lines 53 and 54

Page 14, line 55, delete "reimbursement"

Page 15, line 18, delete "\$1,000,000" and insert "\$1,500,000"

Page 15, line 51, delete "\$100,000" and insert "\$112,500"

Page 15, line 58, delete "\$626,500" and insert "\$725,000"

Page 15, line 60, delete "\$626,500" and insert "\$725,000"

Page 15, line 62, delete "\$810,000" and insert "\$938,000"

Page 16, line 2, delete "\$554,500" and insert "\$642,000"

Page 16, line 4, delete "\$304,500" and insert "\$353,000"

Page 16, line 6, delete "\$238,000" and insert "\$277,000"

Page 16, line 35, delete "\$205,000" and insert "\$230,000"

Page 17, delete lines 2 to 11

Page 25, line 3, delete "Subdivision 1. [ELIGIBILITY.]"

Page 25, line 5, delete "apply" and insert "be considered" and delete "and"

Page 25, line 6, delete "receive"

Pages 25 and 26, delete subdivisions 2 and 3

Page 34, line 7, before the semicolon, insert "and for improved equipment and techniques for responding to automobile thefts"

Page 34, line 18, reinstate the stricken language

Page 34, lines 22 to 24, delete the new language

Page 47, delete lines 4 to 6

Page 51, line 11, after the semicolon, insert "241.41; 241.42; 241.43; 241.44; 241.441; 241.45;"

Renumber the remaining sections in sequence

Adjust the totals accordingly

Amend the title as follows:

Page 2, line 15, after "241.277;" insert "241.41; 241.42; 241.43; 241.44; 241.441; 241.45;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

H. R. No. 9, A house resolution commending Minnesota's volunteers during Volunteer Recognition Week, April 18-24, 1999.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 2404 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Seifert, J., and Biernat introduced:

H. F. No. 2410, A bill for an act relating to civil actions; regulating mediation; providing a nondisclosure privilege; regulating mediator testimony; amending Minnesota Statutes 1998, section 595.02, subdivisions 1 and 1a; proposing coding for new law in Minnesota Statutes, chapter 572; repealing Minnesota Statutes 1998, sections 572.35, subdivision 1; and 572.37.

The bill was read for the first time and referred to the Committee on Civil Law.

Ozment introduced:

H. F. No. 2411, A bill for an act relating to tax increment financing; requiring county approval of certain tax increment financing decisions; amending Minnesota Statutes 1998, section 469.175, subdivision 4, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Goodno introduced:

H. F. No. 2412, A bill for an act relating to health and human services; modifying provisions relating to health; health department; human services; human services department; long-term care; medical assistance; general assistance medical care; MinnesotaCare; state-operated services; chemical dependency; mental health; Minnesota family investment program and adult supports; child support enforcement; child protection; veterans nursing homes board; health-related licensing boards; emergency medical services regulatory board; Minnesota state council on disability; ombudsman for mental health and mental retardation; ombudsman for families; modifying fees; providing penalties; requiring reports; appropriating money; amending Minnesota Statutes 1998, sections 13.46, subdivision 2; 13.99, by adding a subdivision; 15.059, subdivision 5a; 16C.10, subdivision 5; 31.96; 62D.11, subdivision 1; 62J.04, subdivision 3; 62J.06; 62J.07, subdivisions 1 and 3; 62J.09, subdivision 8; 62J.2930, subdivision 3; 62J.451, subdivisions 6a, 6b, and 6c; 62J.69, by adding subdivisions; 62J.77; 62M.01; 62M.02, subdivisions 3, 4, 5, 6, 7, 9, 10, 11, 12, 17, 20, 21, and by adding a subdivision; 62M.03, subdivisions 1 and 3; 62M.04, subdivisions 1, 2, 3, and 4; 62M.05; 62M.06; 62M.07; 62M.09, subdivision 3; 62M.10, subdivisions 2, 5, and 7; 62M.12; 62M.15; 62Q.03, subdivision 5a; 62Q.075; 62Q.106; 62Q.19, subdivisions 1, 2, 5a, and 6; 62R.06, subdivision 1; 62T.04; 72A.201, subdivision 4a; 122A.09, subdivision 4; 125A.08; 125A.21, subdivision 1; 125A.74, subdivisions 1 and 2; 125A.744, subdivision 3; 125A.76, subdivision 2; 144.121, by adding a subdivision; 144.147; 144.1483; 144.1492, subdivision 3; 144.413, subdivision 2; 144.414, subdivision 1; 144.4165; 144.56, subdivision 2b; 144.99, subdivision 1, and by adding a subdivision; 144A.073; 144A.10, by adding subdivisions; 144A.4605, subdivision 2; 144D.01, subdivision 4; 145.924; 145.9255, subdivisions 1 and 4; 148.5194; 245.462, subdivisions 4 and 17; 245.4711, subdivision 1; 245.4712, subdivision 2; 245.4871, subdivisions 4 and 26; 245.4881, subdivision 1; 245B.05, subdivision 7; 245B.07, subdivisions 5, 8, and 10; 246.18, subdivision 6; 252.28,

subdivision 1; 252.32, subdivision 3a; 252.46, subdivision 6; 253B.045, by adding subdivisions; 253B.07, subdivision 1; 253B.185, by adding a subdivision; 254A.07, subdivision 2; 254B.01, by adding a subdivision; 254B.02, subdivision 3; 254B.03, subdivisions 1 and 2; 254B.05, subdivision 1; 256.01, subdivisions 2, 6, and by adding a subdivision; 256.014, by adding a subdivision; 256.485; 256.87, subdivision 1a; 256.955, subdivisions 2, 3, 4, 7, and 9; 256.9685, subdivision 1a; 256.969, subdivision 1; 256.978, subdivision 1; 256B.04, subdivision 16, and by adding a subdivision; 256B.055, subdivision 3a; 256B.056, subdivision 4; 256B.057, by adding a subdivision; 256B.0575; 256B.0625, subdivisions 6a, 8, 8a, 13, 17, 19c, 26, 28, 30, 32, 35, and by adding subdivisions; 256B.0627, subdivisions 1, 2, 4, 5, 8, and by adding subdivisions; 256B.0635, subdivision 3; 256B.0911, subdivision 6; 256B.0913, subdivisions 5, 10, and 12; 256B.0916; 256B.0917, subdivision 8; 256B.094, subdivisions 3, 5, and 6; 256B.0951, subdivisions 1 and 3; 256B.0955; 256B.431, subdivision 17, and by adding a subdivision; 256B.434, subdivisions 3 and 13; 256B.435; 256B.48, subdivisions 1, 1a, 1b, and 6; 256B.50, subdivision 1e; 256B.501, subdivision 8a, and by adding a subdivision; 256B.5011, subdivisions 1 and 2; 256B.69, subdivisions 3a, 5a, 5b, 6a, 6b, and by adding subdivisions; 256B.692, subdivision 2; 256B.75; 256B.76; 256B.77, subdivisions 7a, 8, 10, 14, and by adding subdivisions; 256D.03, subdivision 4; 256D.06, subdivision 5; 256F.03, subdivision 5; 256F.05, subdivision 8; 256F.10, subdivisions 1, 4, 6, 7, 8, and 10; 256I.04, subdivision 3; 256I.05, subdivisions 1, 1a, and by adding a subdivision; 256J.02, subdivision 2; 256J.08, subdivisions 11, 65, 82, 86a, and by adding subdivisions; 256J.11, subdivisions 2 and 3; 256J.12, subdivisions 1a and 2; 256J.14; 256J.20, subdivision 3; 256J.21, subdivisions 2, 3, and 4; 256J.24, subdivisions 2, 3, 7, 8, and 9; 256J.26, subdivision 1; 256J.30, subdivisions 2, 7, 8, and 9; 256J.31, subdivisions 5 and 12; 256J.32, subdivisions 4 and 6; 256J.33; 256J.34, subdivisions 1, 3, and 4; 256J.35; 256J.36; 256J.37, subdivisions 1, 1a, 2, 9, and 10; 256J.38, subdivision 4; 256J.39, subdivision 1; 256J.42, subdivisions 1 and 5; 256J.43; 256J.45, subdivision 1, and by adding a subdivision; 256J.46, subdivisions 1, 2, and 2a; 256J.47, subdivision 4; 256J.48, subdivisions 2 and 3; 256J.50, subdivision 1; 256J.515; 256J.52, subdivisions 1, 3, 4, 5, and by adding a subdivision; 256J.54, subdivision 2; 256J.55, subdivision 4; 256J.56; 256J.62, subdivisions 1, 6, 7, 8, 9, and by adding a subdivision; 256J.67, subdivision 4; 256J.74, subdivision 2; 256J.76, subdivisions 1, 2, and 4; 256L.01, subdivision 4; 256L.04, subdivisions 2, 8, and 13; 256L.05, subdivision 4; 256L.06, subdivision 3; 256L.07; 256L.15, subdivisions 1, 1b, and 2; 257.071, subdivisions 1, 1d, and 4; 257.62, subdivision 5; 257.75, subdivision 2; 257.85, subdivisions 2, 3, 7, 9, and 11; 259.29, subdivision 2; 259.67, subdivisions 6 and 7; 259.73; 259.85, subdivisions 2, 3, and 5; 259.89, by adding a subdivision; 260.012; 260.015, subdivisions 13 and 29; 260.131, subdivision 1a; 260.133, subdivision 1; 260.135, by adding a subdivision; 260.155, subdivisions 4 and 8; 260.172, subdivision 1, and by adding a subdivision; 260.181, subdivision 3; 260.191, subdivisions 1 and 3b; 260.192; 260.221, subdivisions 1, 1b, 1c, 3, and 5; 518.10; 518.551, by adding a subdivision; 518.57, subdivision 3; 518.5851, by adding a subdivision; 518.5853, by adding a subdivision; 518.64, subdivision 2; 548.09, subdivision 1; 548.091, subdivisions 1, 1a, 2a, 3a, 4, 10, 11, 12, and by adding a subdivision; and 552.05, subdivision 10; Laws 1995, chapter 178, article 2, section 46, subdivision 10; Laws 1995, chapter 207, articles 3, section 21; and 8, section 41, as amended; Laws 1995, chapter 257, article 1, section 35, subdivision 1; Laws 1997, chapter 225, article 4, section 4; proposing coding for new law in Minnesota Statutes, chapters 62J; 62Q; 127A; 144; 144A; 144E; 145; 145A; 214; 245; 246; 252; 256B; 256J; and 518; repealing Minnesota Statutes 1998, sections 13.99, subdivision 19m; 62D.11, subdivisions 1b and 2; 62J.78; 62J.79; 62Q.105; 62Q.11; 62Q.30; 144.0723; 144.1475; 144.148; 144.9507, subdivision 4; 144.9511; 144A.33; 145.46; 157.011, subdivision 2; 254A.03, subdivision 2; 254A.031; 254A.145; 254A.17, subdivision 1a; 256.973; 256B.434, subdivision 17; 256B.501, subdivision 3g; 256B.5011, subdivision 3; 256D.053, subdivision 4; 256J.03; 256J.62, subdivisions 2, 3, and 5; 462A.208; 462A.21, subdivision 19; and 548.091, subdivisions 3, 5, and 6; Laws 1997, chapter 85, article 1, section 63; Laws 1997, chapter 203, article 7, section 27; Laws 1998, chapter 407, article 2, section 104; Minnesota Rules, parts 4685.0100, subparts 4 and 4a; 4685.1700; and 4688.0030.

The bill was read for the first time and referred to the Committee on Ways and Means.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1178, A bill for an act relating to landlords and tenants; regulating the taking of prelease deposits; providing for a civil penalty; proposing coding for new law in Minnesota Statutes, chapter 504.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 142, A bill for an act relating to crime; expanding the definition of "subsequent controlled substance conviction" to include convictions subsequent to a stay of adjudication for a controlled substance crime; amending Minnesota Statutes 1998, section 152.01, subdivision 16a.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Pawlenty moved that the House concur in the Senate amendments to H. F. No. 142 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 142, A bill for an act relating to crime; expanding the definition of "subsequent controlled substance conviction" to include convictions subsequent to a stay of adjudication for a controlled substance crime; amending Minnesota Statutes 1998, section 152.01, subdivision 16a.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Chaudhary	Folliard	Hausman	Knoblach	Mares
Abrams	Clark, J.	Fuller	Hilty	Koskinen	Mariani
Anderson, B.	Clark, K.	Gerlach	Holsten	Kubly	Marko
Anderson, I.	Daggett	Gleason	Howes	Kuisele	McCollum
Bakk	Davids	Goodno	Huntley	Larsen, P.	McElroy
Biernat	Dawkins	Greenfield	Jaros	Larson, D.	McGuire
Bishop	Dehler	Greiling	Jennings	Leighton	Milbert
Boudreau	Dempsey	Gunther	Johnson	Lenczewski	Molnau
Bradley	Dorman	Haake	Juhnke	Leppik	Mulder
Buesgens	Dorn	Haas	Kahn	Lieder	Mullery
Carlson	Erhardt	Hackbarth	Kalis	Lindner	Murphy
Carruthers	Erickson	Harder	Kelliher	Luther	Ness
Cassell	Finseth	Hasskamp	Kielkucki	Mahoney	Nornes

Olson	Paymar	Rostberg	Smith	Trimble	Westrom
Opatz	Pelowski	Rukavina	Stanek	Tuma	Wilkin
Osskopp	Peterson	Schumacher	Stang	Tunheim	Winter
Osthoff	Pugh	Seagren	Storm	Van Dellen	Wolf
Otremba	Rest	Seifert, J.	Swenson	Vandever	Workman
Ozment	Reuter	Seifert, M.	Sykora	Wenzel	Spk. Sviggum
Paulsen	Rhodes	Skoe	Tingelstad	Westerberg	
Pawlenty	Rifenberg	Skoglund	Tomassoni	Westfall	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1003, A bill for an act relating to legislature; prescribing the powers and duties of the legislative audit commission and the legislative auditor; making various technical changes; amending Minnesota Statutes 1998, sections 3.97; 3.971; 3.974; 3.975; 6.74; 10.48; 13.46, subdivision 8; 16A.27, subdivision 2; 37.06; 37.07; 85A.02, subdivision 5c; 89.05; 161.08; 192.551; 352.03, subdivision 6; 353.03, subdivision 3a; 353A.05, subdivision 1; 354.06, subdivision 2a; 360.015, subdivision 19; 574.20; and 609.456; Laws 1990, chapter 535, section 5; repealing Minnesota Statutes 1998, sections 3.973; 116.072, subdivision 12; 469.207, subdivision 1; and 574.02.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

McElroy moved that the House concur in the Senate amendments to H. F. No. 1003 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1003, A bill for an act relating to legislature; prescribing the powers and duties of the legislative audit commission and the legislative auditor; making various technical changes; amending Minnesota Statutes 1998, sections 3.97; 3.971; 3.974; 3.975; 6.74; 10.48; 13.46, subdivision 8; 16A.27, subdivision 2; 37.06; 37.07; 85A.02, subdivision 5c; 89.05; 161.08; 192.551; 352.03, subdivision 6; 353.03, subdivision 3a; 353A.05, subdivision 1; 354.06, subdivision 2a; 360.015, subdivision 19; 574.20; and 609.456; Laws 1990, chapter 535, section 5; repealing Minnesota Statutes 1998, sections 3.973; 116.072, subdivision 12; 469.207, subdivision 1; and 574.02.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Bradley	Carruthers	Clark, K.	Dehler
Abrams	Biernat	Broecker	Cassell	Daggett	Dempsey
Anderson, B.	Bishop	Buesgens	Chaudhary	Davids	Dorman
Anderson, I.	Boudreau	Carlson	Clark, J.	Dawkins	Dorn

Entenza	Hausman	Larsen, P.	Mullery	Rhodes	Trimble
Erhardt	Hilty	Larson, D.	Murphy	Rifenberg	Tuma
Erickson	Holberg	Leighton	Ness	Rostberg	Tunheim
Finseth	Holsten	Lenczewski	Nornes	Rukavina	Van Dellen
Folliard	Howes	Leppik	Olson	Schumacher	Vandever
Fuller	Huntley	Lieder	Opatz	Seagren	Wagenius
Gerlach	Jaros	Lindner	Osskopp	Seifert, J.	Wenzel
Gleason	Jennings	Luther	Osthoff	Seifert, M.	Westerberg
Goodno	Johnson	Mahoney	Otremba	Skoe	Westfall
Gray	Juhnke	Mares	Ozment	Skoglund	Westrom
Greenfield	Kahn	Mariani	Paulsen	Smith	Wilkin
Greiling	Kalis	Marko	Pawlenty	Stanek	Wolf
Gunther	Kelliher	McCollum	Paymar	Stang	Workman
Haake	Kielkucki	McElroy	Pelowski	Storm	Spk. Sviggum
Haas	Knoblach	McGuire	Peterson	Swenson	
Hackbarth	Koskinen	Milbert	Pugh	Sykora	
Harder	Kubly	Molnau	Rest	Tingelstad	
Hasskamp	Kuisle	Mulder	Reuter	Tomassoni	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 174, A bill for an act relating to the Paynesville area hospital district; authorizing the district to annex the city of Richmond to the district.

PATRICK E. FLAHAVEN, Secretary of the Senate

Stang moved that the House refuse to concur in the Senate amendments to H. F. No. 174, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 371, A bill for an act relating to local government; removing the limit on the amount a local government may contribute for historical work; permitting local governments to make contributions to public or private, nonprofit senior citizen centers or youth centers; amending Minnesota Statutes 1998, section 471.93; proposing coding for new law in Minnesota Statutes, chapter 471.

PATRICK E. FLAHAVEN, Secretary of the Senate

Stang moved that the House refuse to concur in the Senate amendments to H. F. No. 371, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 270, A bill for an act relating to insurance; prohibiting a maximum lifetime benefit limit on certain policies of the Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1998, section 62E.12.

PATRICK E. FLAHAVEN, Secretary of the Senate

Osskopp moved that the House refuse to concur in the Senate amendments to H. F. No. 270, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1553, A bill for an act relating to corrections; authorizing offenders conditionally released to perform community work service to file claims for injuries sustained during compensated service; repealing a requirement for a report on training funds; authorizing expenditure of funds for staff working in licensed juvenile facilities; authorizing deduction from an inmate's account of restitution ordered for damage to staff property and personal injuries to another; authorizing Minnesota correctional facility-Red Wing to retain money collected from detention holds and federal contracts; authorizing the commissioner to require any inmate to participate in rehabilitative programs and impose disciplinary sanctions for refusal to participate; exempting licensed contractor requirement for institution work crew program; clarifying that sentence for imprisonment is only for felonies; making certain criminal justice agency records available to commissioner of corrections and probation officers; specifying criteria for commitment of juvenile male offenders at the Minnesota correctional facility-Red Wing; repealing the law authorizing the mutual agreement rehabilitative program; amending Minnesota Statutes 1998, sections 3.739, subdivision 1; 241.01, subdivision 5; 241.0221, subdivisions 1, 2, and 4; 241.26, subdivision 5; 243.23, subdivision 3; 244.03; 244.05, subdivision 1b; 326.84, subdivision 3; 609.105, subdivision 1; and 609.115, subdivision 3; Laws 1997, chapter 239, article 9, section 45; repealing Minnesota Statutes 1998, section 244.02.

PATRICK E. FLAHAVEN, Secretary of the Senate

McGuire moved that the House refuse to concur in the Senate amendments to H. F. No. 1553, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Seifert, M., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Anderson, I.	Boudreau	Buesgens	Cassell	Daggett
Abrams	Biernat	Bradley	Carlson	Chaudhary	Davids
Anderson, B.	Bishop	Broecker	Carruthers	Clark, J.	Dawkins

Dehler	Haas	Knoblach	McElroy	Peterson	Sykora
Dempsey	Hackbarth	Koskinen	McGuire	Pugh	Tingelstad
Dorman	Harder	Krinkie	Milbert	Rest	Tomassoni
Dorn	Hasskamp	Kubly	Mulder	Reuter	Trimble
Entenza	Hausman	Kuisle	Mullery	Rhodes	Tuma
Erhardt	Hilty	Larsen, P.	Murphy	Rifenberg	Tunheim
Erickson	Holberg	Larson, D.	Ness	Rostberg	Van Dellen
Finseth	Holsten	Leighton	Nornes	Rukavina	Vandever
Folliard	Howes	Lenczewski	Olson	Seagren	Wagenius
Fuller	Huntley	Leppik	Opatz	Seifert, J.	Wenzel
Gerlach	Jaros	Lieder	Osskopp	Seifert, M.	Westerberg
Gleason	Jennings	Lindner	Osthoff	Skoe	Westfall
Goodno	Johnson	Luther	Otremba	Skoglund	Westrom
Gray	Juhnke	Mahoney	Ozment	Smith	Wilkin
Greenfield	Kahn	Mares	Paulsen	Stanek	Winter
Greiling	Kalis	Mariani	Pawlenty	Stang	Wolf
Gunther	Kelliher	Marko	Paymar	Storm	Workman
Haake	Kielkucki	McCollum	Pelowski	Swenson	Spk. Sviggum

Pawlenty moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

McGuire moved that the Message from the Senate relating to H. F. No. 1553 be continued until Thursday, April 22, 1999. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 70, A bill for an act relating to public safety; authorizing law enforcement agencies to sell forfeited firearms, ammunition, and firearm accessories to firearms dealers; allowing certain agencies to retain forfeited money for crime prevention use; amending Minnesota Statutes 1998, section 609.5315, subdivisions 1 and 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Daggett moved that the House refuse to concur in the Senate amendments to H. F. No. 70, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 7, A bill for an act relating to motor vehicles; modifying the motor vehicle emissions inspection program and providing for termination of inspection by January 1, 2000, or earlier if redesignated to attainment for carbon monoxide before January 1, 2000; amending Minnesota Statutes 1998, sections 116.60, subdivision 1, and by adding

a subdivision; 116.61, subdivision 1, and by adding a subdivision; 116.62, subdivisions 2, 3, 5, and by adding a subdivision; and 116.63, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1998, sections 116.60; 116.61; 116.62; 116.63; and 116.64.

PATRICK E. FLAHAVEN, Secretary of the Senate

Haake moved that the House refuse to concur in the Senate amendments to H. F. No. 7, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 837, A bill for an act relating to insurance; regulating insurers, agents, and coverages; modifying reporting requirements; regulating the rehabilitation and liquidation of insurers; modifying certain notice and disclosure provisions; modifying certain definitions; making technical changes; amending Minnesota Statutes 1998, sections 60A.02, subdivision 1a, and by adding a subdivision; 60A.052, subdivision 2, and by adding a subdivision; 60A.06, subdivisions 1 and 2; 60A.075, by adding a subdivision; 60A.092, subdivisions 6 and 11; 60A.10, subdivision 1; 60A.111, subdivision 1; 60A.13, subdivision 1; 60A.16, subdivisions 2, 3, and 4; 60A.19, subdivision 1; 60A.32; 60B.21, subdivision 2; 60B.25; 60B.26, subdivision 1; 60B.39, subdivision 2; 60B.44, subdivisions 4, 6, and by adding subdivisions; 60D.20, subdivision 2; 60K.02, subdivision 1; 60K.03, subdivisions 2 and 3; 60K.19, subdivision 8; 61A.276, subdivision 2; 61A.60, subdivision 1; 61B.19, subdivision 3; 62A.04, subdivision 3; 62A.135, subdivision 5; 62A.50, subdivision 3; 62A.61; 62A.65, subdivision 5; 62B.04, subdivision 2; 62D.12, subdivision 2; 62E.02, subdivision 1; 62E.05, subdivision 1; 62E.09; 62E.13, subdivisions 6 and 8; 62E.14, subdivision 2; 62E.15, subdivision 2; 62I.07, subdivision 1; 62L.02, subdivision 24; 62L.03, subdivision 5; 62L.05, subdivision 5; 62L.14, subdivision 7; 62Q.185; 62S.01, subdivision 14; 62S.05, subdivision 2; 65A.01, subdivision 1; 65A.27, subdivision 4; 65A.29, subdivision 4; 65B.02, subdivision 2; 65B.44, subdivision 1; 65B.48, subdivision 5; 72A.125, subdivision 3; 72A.20, subdivision 29; 72B.04, subdivision 10; 79A.01, subdivision 10, and by adding a subdivision; 79A.02, subdivisions 1 and 4; 79A.03, subdivisions 6, 7, 9, 10, and by adding a subdivision; 79A.21, subdivision 2; 79A.23, subdivisions 1 and 2; and 256B.0644; proposing coding for new law in Minnesota Statutes, chapter 60B; repealing Minnesota Statutes 1998, sections 60A.11, subdivision 24a; 60B.36; 60B.44, subdivisions 3 and 5; 60K.08; 65A.29, subdivision 12; and 79A.04, subdivision 8; Minnesota Rules, part 2780.0500, item C.

PATRICK E. FLAHAVEN, Secretary of the Senate

Davids moved that the House refuse to concur in the Senate amendments to H. F. No. 837, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 383, 148, 1202 and 1357.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 383, A bill for an act relating to health occupations; clarifying licensure requirements for the practice of midwifery; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 147D; repealing Minnesota Statutes 1998, sections 148.30; 148.31; and 148.32; Minnesota Rules, parts 5600.2000; and 5600.2100.

The bill was read for the first time.

Abeler moved that S. F. No. 383 and H. F. No. 949, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 148, A bill for an act relating to commerce; providing for the protection of structured settlements; amending Minnesota Statutes 1998, section 176.175, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 549.

The bill was read for the first time.

Haas moved that S. F. No. 148 and H. F. No. 478, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1202, A bill for an act relating to health; establishing protocol for occupational exposure to bloodborne pathogens in certain settings; providing criminal penalties; amending Minnesota Statutes 1998, sections 13.99, subdivision 38, and by adding a subdivision; 72A.20, subdivision 29; 144.4804, by adding a subdivision; 214.18, subdivision 5, and by adding a subdivision; 214.19; 214.20; 214.22; 214.23, subdivisions 1 and 2; 214.25, subdivision 2; and 611A.19, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 144; and 241; repealing Minnesota Statutes 1998, sections 144.761; 144.762; 144.763; 144.764; 144.765; 144.766; 144.767; 144.768; 144.769; and 144.7691.

The bill was read for the first time.

Goodno moved that S. F. No. 1202 and H. F. No. 1631, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1357, A bill for an act relating to utilities; modifying conservation improvement provisions; amending Minnesota Statutes 1998, sections 216B.16, subdivision 6b; and 216B.241, subdivisions 1, 1a, 1b, 2, 2a, and 2b.

The bill was read for the first time.

Wolf moved that S. F. No. 1357 and H. F. No. 1384, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of H. F. No. 2333.

Pawlenty moved that the Fiscal Calendar for today be continued. The motion prevailed.

CALL OF THE HOUSE LIFTED

Pawlenty moved that the call of the House be suspended. The motion prevailed and it was so ordered.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1

A bill for an act relating to taxation; providing for an income and property tax rebate; providing for agricultural assistance; exempting certain storm-damaged tree trimming and removal services from the sales tax; providing for automatic rebates in enacted budget; appropriating money; amending Minnesota Statutes 1998, sections 297A.15, subdivision 6; and 297A.25, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16A.

April 16, 1999

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H. F. No. 1, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [AGRICULTURAL ASSISTANCE IN 1999.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Acre" means an acre of effective agricultural use land within the state of Minnesota as reported to the farm service agency on form 156EZ.

(c) "Commissioner" means the commissioner of revenue.

(d) "Effective agricultural use land" means the land suitable for growing an agricultural crop and excludes land enrolled in the conservation reserve program established by Minnesota Statutes, section 103F.515, or the water bank program established by Minnesota Statutes, section 103F.601.

(e) "Farm" or "farm operation" means an agricultural production operation with a unique farm number as reported on form 156EZ to the farm service agency, which includes at least 40 acres of effective agricultural use land.

(f) "Farm operator" means a person who is identified as the operator of a farm on form 156EZ filed with the farm service agency.

(g) "Farm service agency" means the United States Farm Service Agency.

(h) "Farmer" or "farmer at risk" means a person who produces an agricultural crop or livestock and is reported to the farm service agency as bearing a percentage of the risk for the farm operation.

(i) "Livestock" means cattle, hogs, poultry, and sheep.

(j) "Livestock production facility" means a farm that has produced at least \$10,000 in sales of unprocessed livestock or unprocessed dairy products as reported on schedule F or form 1065 or form 1120 or 1120S of the farmer's federal income tax return for either taxable years beginning in calendar year 1997 or 1998.

(k) "Person" includes individuals, fiduciaries, estates, trusts, partnerships, joint ventures, and corporations.

Subd. 2. [PAYMENT TO FARMERS.] Every farm operator may apply on a separate form for each farm that they operate to the commissioner for payments as provided under this subdivision. The payment shall be made to each farmer at risk for a farm operation and shall equal \$4, multiplied by the number of acres of the farm operation, multiplied by the percentage of the risk borne by that farmer for that farm operation. If total payments for a farm to all farmers at risk for that farm would exceed \$5,600, the payment to each farmer at risk shall be prorated so that the total payments to all farmers at risk for that farm do not exceed \$5,600.

Applications shall be based on information reported to the farm service agency for crop year 1998 by December 31, 1998. The applications shall include the social security number or federal employer identification number or a producer number assigned by the farm service agency for each farmer and the farm service agency farm number from form 156EZ. The commissioner shall prepare application forms for the payment and ensure that they are available throughout the state. The commissioner shall make payments by June 30, 1999, to each eligible farmer who applies by May 31, 1999, or within 30 days of the application if the application is received after May 31, 1999. In no case will applications be accepted after September 30, 1999.

Subd. 3. [LIVESTOCK PRODUCERS.] A farmer who owns and operates a livestock production facility on 160 acres or less may elect the agricultural property tax refund under subdivisions 4 to 8 in lieu of the per acre payment under subdivision 2. To qualify, the farmer must apply for the refund as provided in subdivisions 4 to 8. The 40 acre minimum farm size under subdivision 1 does not apply to eligibility under subdivisions 4 to 8.

Subd. 4. [REFUND.] The refund equals the full amount of the property tax payment due and payable on May 15, 1999, on a livestock production facility that is class 1b agricultural homestead property or class 2a agricultural homestead property as defined in Minnesota Statutes, section 273.13, excluding that portion of the tax attributable to the house, garage, and surrounding acre of land. If a portion of the property was leased for the agricultural production year, the refund amount shall be prorated so that only the portion of the property which was not leased for the agricultural production year qualifies for the refund.

Subd. 5. [CERTIFICATION.] The commissioner shall develop a form by May 10, 1999, for use by the county auditors to ascertain qualification for the refund under subdivisions 4 to 8. The form shall require the property owner to certify (1) that the owner operates a livestock production facility on 160 acres or less, and (2) the percentage of that property, if any, that was leased to anyone for the agricultural production year. Any person qualifying under subdivision 3 shall contact the county auditor in the county where the livestock production facility is located and shall file the required form with the county auditor.

Subd. 6. [VERIFICATION.] The county auditor shall determine the amount of the refund for all qualifying properties in the county for which the owner has applied under subdivision 5. The county auditor shall notify all applicants of the amount of the refund within 14 days of receipt of the application.

Subd. 7. [CERTIFICATION AND PAYMENT.] Any person eligible for the refund under subdivisions 4 to 8 shall send the commissioner a copy of the certification that the taxpayer received from the county auditor. In no case will applications be accepted after November 30, 1999. The commissioner shall issue a refund by July 15, 1999, to each qualifying taxpayer who applied by June 15, 1999, or within 30 days of receipt of the application if received after June 15, 1999.

Subd. 8. [PROPERTY TAX REFUND.] Taxpayers benefiting from the refund under subdivisions 4 to 8 must deduct the amount of the refund from the net property taxes payable when applying for a property tax refund under Minnesota Statutes 1998, section 290A.04, subdivision 2.

Subd. 9. [ALTERNATE QUALIFICATION.] (a) If an agricultural production operation does not meet the definition of a farm under subdivision 1 solely because (1) the farm operator had not filed a form 156EZ with the farm service agency, (2) there was an error in the farm service agency's records, or (3) an operator operates more than one farm and the acres of effective agricultural use land of each farm is less than 40 acres, but the combined acres of effective agricultural use land is at least 40 acres, the commissioner may allow the farm operator to apply for payment under subdivision 2 after providing such information as the commissioner may require to determine the number of acres that would be comparable to the effective agricultural use land listed on form 156EZ.

(b) If the number of acres of effective agricultural use land for crop year 1998 for a farm is greater than indicated in the farm service agency's records, the commissioner may allow a farm operator to apply for payment on the greater acreage after providing such information as the commissioner may require.

(c) If a person who produced an agricultural crop or livestock in 1998 and bore a portion of the risk for the farm operation does not meet the definition of a farmer under subdivision 1 solely because that information was not reported to the farm service agency, or because there was an error in the farm service agency's records, the commissioner may allow the farmer to be included on an application for payment under subdivision 2 after the farmer provides such information as the commissioner may require to determine the farmer was at risk for that farm.

Subd. 10. [LIMIT.] No person may receive a payment under subdivision 2 or a property tax refund under subdivisions 4 to 8 that exceeds \$5,600.

Subd. 11. [APPLICATION OF OTHER LAWS.] The payments under subdivisions 2 and 7 are a "Minnesota tax law" for purposes of Minnesota Statutes, section 270B.01, subdivision 8.

Subd. 12. [REMEDIES.] A farmer denied a refund may appeal that denial under Minnesota Statutes, section 289A.50, subdivision 7.

Subd. 13. [INTEREST.] Payments under subdivision 2 or subdivisions 4 to 8 shall bear interest at the rate specified in Minnesota Statutes, section 289A.55, subdivision 1, from the later of the payment dates specified under subdivision 2 or 7 or 75 days after a complete payment application was filed with the commissioner.

Subd. 14. [PENALTIES.] If the commissioner determines that claims for payments under subdivisions 2 and 7 are or were excessive and were filed with fraudulent intent, the claim must be disallowed in full. If the claim has been paid, the amount disallowed must be recovered by assessment and collection under Minnesota Statutes, chapter 289A. The assessment must be made within two years after a check is cashed, but if cashing a check constitutes theft under Minnesota Statutes, section 609.52, or forgery under Minnesota Statutes, section 609.631, the assessment may be made at any time. The assessment may be appealed administratively and judicially.

Sec. 2. [APPROPRIATION.]

(a) The amount necessary to fund the payments required under section 1, subdivisions 2 and 7, is appropriated in fiscal year 1999 from the general fund to the commissioner of revenue. This appropriation is available until June 30, 2000.

(b) \$68,000 is appropriated in fiscal year 1999 to the commissioner of revenue for distribution to counties for the costs of administering section 1, subdivisions 4 to 8. This appropriation is available until June 30, 2000. The distribution to counties shall be based on the number of refunds received under the provisions of section 1, subdivisions 4 to 8.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agricultural relief; providing for a payment to farmers at risk based on the acreage of agricultural use land; providing for an agricultural property tax refund for certain livestock producers; appropriating money."

We request adoption of this report and repassage of the bill.

House Conferees: RON ABRAMS, DAN MCELROY, TOM OSTHOFF, ROXANN DAGGETT AND WILLIAM KUISLE.

Senate Conferees: DOUGLAS J. JOHNSON, JIM VICKERMAN, JOHN C. HOTTINGER, WILLIAM V. BELANGER, JR., AND CAROL FLYNN.

Abrams moved that the report of the Conference Committee on H. F. No. 1 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1, A bill for an act relating to taxation; providing for an income and property tax rebate; providing for agricultural assistance; exempting certain storm-damaged tree trimming and removal services from the sales tax; providing for automatic rebates in enacted budget; appropriating money; amending Minnesota Statutes 1998, sections 297A.15, subdivision 6; and 297A.25, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holberg	Lindner	Ozment	Stang
Abrams	Dorn	Holsten	Luther	Paulsen	Storm
Anderson, B.	Entenza	Howes	Mahoney	Pawlenty	Swenson
Anderson, I.	Erhardt	Huntley	Mares	Paymar	Sykora
Bakk	Erickson	Jaros	Mariani	Pelowski	Tingelstad
Biernat	Finseth	Jennings	Marko	Peterson	Tomassoni
Bishop	Folliard	Johnson	McCollum	Pugh	Trimble
Boudreau	Fuller	Juhnke	McElroy	Rest	Tuma
Bradley	Gerlach	Kalis	McGuire	Reuter	Tunheim
Broecker	Gleason	Kelliher	Milbert	Rhodes	Van Dellen
Buesgens	Goodno	Kielkucki	Molnau	Rifenberg	Vandever
Carlson	Gray	Knoblach	Mulder	Rostberg	Wagenius
Carruthers	Greenfield	Koskinen	Mullery	Rukavina	Wenzel
Cassell	Greiling	Kubly	Murphy	Schumacher	Westerberg
Chaudhary	Gunther	Kuisle	Ness	Seagren	Westfall
Clark, J.	Haake	Larsen, P.	Nornes	Seifert, J.	Westrom
Clark, K.	Haas	Larson, D.	Olson	Seifert, M.	Wilkin
Daggett	Hackbarth	Leighton	Opatz	Skoe	Winter
Davids	Harder	Lenczewski	Osskopp	Skoglund	Wolf
Dehler	Hasskamp	Leppik	Osthoff	Smith	Workman
Dempsey	Hilty	Lieder	Otremba	Stanek	Spk. Sviggum

Those who voted in the negative were:

Dawkins Hausman Kahn Krinkie

The bill was repassed, as amended by Conference, and its title agreed to.

The Speaker called Abrams to the Chair.

CALENDAR FOR THE DAY

S. F. No. 1182, A bill for an act relating to commerce; regulating insurance for funeral or burial expenses; allowing funeral establishments to sell funeral insurance and receive commissions for these sales; amending Minnesota Statutes 1998, section 72A.325.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 107 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Hilty	Lieder	Pawlenty	Storm
Anderson, B.	Dorman	Holberg	Lindner	Pelowski	Swenson
Anderson, I.	Dorn	Holsten	Luther	Peterson	Sykora
Bakk	Entenza	Howes	Mahoney	Pugh	Tingelstad
Biernat	Erhardt	Huntley	Mares	Rest	Tomassoni
Bishop	Erickson	Jennings	McElroy	Reuter	Trimble
Boudreau	Finseth	Johnson	McGuire	Rhodes	Tuma
Bradley	Fuller	Juhnke	Milbert	Rifenberg	Tunheim
Broecker	Gerlach	Kahn	Molnau	Rostberg	Van Dellen
Buesgens	Goodno	Kalis	Mulder	Rukavina	Wenzel
Carlson	Gray	Kielkucki	Murphy	Schumacher	Westerberg
Cassell	Greiling	Knoblach	Ness	Seagren	Westfall
Chaudhary	Gunther	Kubly	Nornes	Seifert, J.	Westrom
Clark, J.	Haake	Kuisle	Opatz	Seifert, M.	Wilkin
Daggett	Haas	Larsen, P.	Osskopp	Skoe	Wolf
Davids	Hackbarth	Larson, D.	Osthoff	Smith	Workman
Dawkins	Harder	Leighton	Ozment	Stanek	Spk. Sviggum
Dehler	Hasskamp	Leppik	Paulsen	Stang	

Those who voted in the negative were:

Abrams	Gleason	Kelliher	Mariani	Olson	Vandever
Carruthers	Greenfield	Koskinen	Marko	Otremba	Wagenius
Clark, K.	Hausman	Krinkie	McCollum	Paymar	Winter
Folliard	Jaros	Lenczewski	Mullery	Skoglund	

The bill was passed and its title agreed to.

S. F. No. 983 was reported to the House.

Skoglund moved to amend S. F. No. 983 as follows:

Page 9, after line 9, insert:

"(d) Paragraphs (a) and (b) do not apply to a person whose report pertains to the person's own conduct."

The motion prevailed and the amendment was adopted.

S. F. No. 983, A bill for an act relating to professions; modifying provisions relating to psychologists' licensing; amending Minnesota Statutes 1998, sections 148.89, subdivisions 2a, 4, 5, and by adding a subdivision; 148.915; 148.925, subdivision 7; 148.941, subdivisions 2 and 6; and 148.96, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 148.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holberg	Lieder	Ozment	Storm
Abrams	Dorn	Holsten	Lindner	Paulsen	Swenson
Anderson, B.	Entenza	Howes	Luther	Pawlenty	Sykora
Anderson, I.	Erhardt	Huntley	Mahoney	Paymar	Tingelstad
Bakk	Erickson	Jaros	Mares	Pelowski	Tomassoni
Biernat	Finseth	Jennings	Mariani	Peterson	Trimble
Bishop	Folliard	Johnson	Marko	Pugh	Tuma
Boudreau	Fuller	Juhnke	McCollum	Rest	Tunheim
Bradley	Gerlach	Kahn	McElroy	Reuter	Van Dellen
Broecker	Gleason	Kalis	McGuire	Rhodes	Vandever
Buesgens	Goodno	Kelliher	Milbert	Rifenberg	Wagenius
Carlson	Gray	Kielkucki	Molnau	Rostberg	Wenzel
Carruthers	Greenfield	Knoblach	Mulder	Rukavina	Westerberg
Cassell	Greiling	Koskinen	Mullery	Schumacher	Westfall
Chaudhary	Gunther	Krinkie	Murphy	Seagren	Westrom
Clark, J.	Haake	Kubly	Ness	Seifert, J.	Wilkin
Clark, K.	Haas	Kuisle	Nornes	Seifert, M.	Wolf
Daggett	Hackbarth	Larsen, P.	Olson	Skoe	Workman
Dauids	Harder	Larson, D.	Opatz	Skoglund	Spk. Sviggum
Dawkins	Hasskamp	Leighton	Osskopp	Smith	
Dehler	Hausman	Lenczewski	Osthoff	Stanek	
Dempsey	Hilty	Leppik	Otremba	Stang	

The bill was passed, as amended, and its title agreed to.

S. F. No. 1527, A bill for an act relating to school boards; a person convicted of a sex offense who is required to be registered under the predatory offender law is not eligible to be a candidate for the office of school board member; amending Minnesota Statutes 1998, sections 123B.09, by adding a subdivision; and 205A.06, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holberg	Lieder	Ozment	Storm
Abrams	Dorn	Holsten	Lindner	Paulsen	Swenson
Anderson, B.	Entenza	Howes	Luther	Pawlenty	Sykora
Anderson, I.	Erhardt	Huntley	Mahoney	Paymar	Tingelstad
Bakk	Erickson	Jaros	Mares	Pelowski	Tomassoni
Biernat	Finseth	Jennings	Mariani	Peterson	Trimble
Bishop	Folliard	Johnson	Marko	Pugh	Tuma
Boudreau	Fuller	Juhnke	McCollum	Rest	Tunheim
Bradley	Gerlach	Kahn	McElroy	Reuter	Van Dellen
Broecker	Gleason	Kalis	McGuire	Rhodes	Vandever
Buesgens	Goodno	Kelliher	Milbert	Rifenberg	Wagenius
Carlson	Gray	Kielkucki	Molnau	Rostberg	Wenzel
Carruthers	Greenfield	Knoblach	Mulder	Rukavina	Westerberg
Cassell	Greiling	Koskinen	Mullery	Schumacher	Westfall
Chaudhary	Gunther	Krinkie	Murphy	Seagren	Westrom
Clark, J.	Haake	Kubly	Ness	Seifert, J.	Wilkin
Clark, K.	Haas	Kuisle	Nornes	Seifert, M.	Winter
Daggett	Hackbarth	Larsen, P.	Olson	Skoe	Wolf
Davids	Harder	Larson, D.	Opatz	Skoglund	Workman
Dawkins	Hasskamp	Leighton	Osskopp	Smith	Spk. Sviggum
Dehler	Hausman	Lenczewski	Osthoff	Stanek	
Dempsey	Hilty	Leppik	Otremba	Stang	

The bill was passed and its title agreed to.

S. F. No. 1273, A bill for an act relating to professions; modifying provisions relating to nursing home administrator licensing, the board of examiners for nursing home administrators, immunity for board members and staff, and acting administrator permits; amending Minnesota Statutes 1998, sections 144A.19, subdivision 1; 144A.20, subdivision 1; 144A.22; 144A.24; and 144A.27; proposing coding for new law in Minnesota Statutes, chapter 144A; repealing Minnesota Statutes 1998, sections 144A.19, subdivision 3; 144A.20, subdivision 2; and 144A.29.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Bishop	Broecker	Carruthers	Clark, J.
Abrams	Bakk	Boudreau	Buesgens	Cassell	Clark, K.
Anderson, B.	Biernat	Bradley	Carlson	Chaudhary	Daggett

Davids	Haake	Knoblach	McGuire	Reuter	Trimble
Dawkins	Haas	Koskinen	Milbert	Rhodes	Tuma
Dehler	Hackbarth	Krinkie	Molnau	Rifenberg	Tunheim
Dempsey	Harder	Kubly	Mulder	Rostberg	Van Dellen
Dorman	Hasskamp	Kuisle	Mullery	Rukavina	Vandever
Dorn	Hausman	Larsen, P.	Murphy	Schumacher	Wagenius
Entenza	Hilty	Larson, D.	Ness	Seagren	Wenzel
Erhardt	Holberg	Leighton	Olson	Seifert, J.	Westerberg
Erickson	Holsten	Lenczewski	Opatz	Seifert, M.	Westfall
Finseth	Howes	Leppik	Osskopp	Skoe	Westrom
Folliard	Huntley	Lieder	Osthoff	Skoglund	Wilkin
Fuller	Jaros	Lindner	Otremba	Smith	Winter
Gerlach	Jennings	Luther	Ozment	Stanek	Wolf
Gleason	Johnson	Mahoney	Pawlenty	Stang	Workman
Goodno	Juhnke	Mares	Paymar	Storm	Spk. Sviggum
Gray	Kahn	Mariani	Pelowski	Swenson	
Greenfield	Kalis	Marko	Peterson	Sykora	
Greiling	Kelliher	McCollum	Pugh	Tingelstad	
Gunther	Kielkucki	McElroy	Rest	Tomassoni	

The bill was passed and its title agreed to.

S. F. No. 436 was reported to the House.

Stanek moved to amend S. F. No. 436 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 466.03, is amended by adding a subdivision to read:

Subd. 19. [EMERGENCY MEDICAL DISPATCH.] Any claim based upon the acts or omissions of a 911 telecommunicator or dispatcher, who is certified in emergency medical dispatch by a program incorporating nationally recognized standards, acting in good faith in providing prearrival medical instruction based upon the emergency medical dispatch protocols adopted by the dispatching agency.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment and applies to causes of action arising on or after that date."

Delete the title and insert:

"A bill for an act relating to municipal tort liability; limiting liability for 911 dispatchers providing prearrival medical instruction; amending Minnesota Statutes 1998, section 466.03, by adding a subdivision."

The motion prevailed and the amendment was adopted.

S. F. No. 436, A bill for an act relating to municipal tort liability; limiting liability for 911 dispatchers providing prearrival medical instruction; amending Minnesota Statutes 1998, section 466.03, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holberg	Lieder	Ozment	Storm
Abrams	Dorn	Holsten	Lindner	Paulsen	Swenson
Anderson, B.	Entenza	Howes	Luther	Pawlenty	Sykora
Anderson, I.	Erhardt	Huntley	Mahoney	Paymar	Tingelstad
Bakk	Erickson	Jaros	Mares	Pelowski	Tomassoni
Biernat	Finseth	Jennings	Mariani	Peterson	Trimble
Bishop	Folliard	Johnson	Marko	Pugh	Tuma
Boudreau	Fuller	Juhnke	McCollum	Rest	Tunheim
Bradley	Gerlach	Kahn	McElroy	Reuter	Van Dellen
Broecker	Gleason	Kalis	McGuire	Rhodes	Vandever
Buesgens	Goodno	Kelliher	Milbert	Rifenberg	Wagenius
Carlson	Gray	Kielkucki	Molnau	Rostberg	Wenzel
Carruthers	Greenfield	Knoblach	Mulder	Rukavina	Westerberg
Cassell	Greiling	Koskinen	Mullery	Schumacher	Westfall
Chaudhary	Gunther	Krinkie	Murphy	Seagren	Westrom
Clark, J.	Haake	Kubly	Ness	Seifert, J.	Wilkin
Clark, K.	Haas	Kuisle	Nornes	Seifert, M.	Winter
Daggett	Hackbarth	Larsen, P.	Olson	Skoe	Wolf
Davids	Harder	Larson, D.	Opatz	Skoglund	Workman
Dawkins	Hasskamp	Leighton	Osskopp	Smith	Spk. Sviggum
Dehler	Hausman	Lenczewski	Osthoff	Stanek	
Dempsey	Hilty	Leppik	Otremba	Stang	

The bill was passed, as amended, and its title agreed to.

H. F. No. 1163 was reported to the House.

Dawkins moved to amend H. F. No. 1163 as follows:

Page 1, line 24, delete "charges" and insert "lessor's costs"

Page 2, line 2, delete "fee a lessor charges" and insert "lessor's costs"

Page 2, line 3, after "for" insert "providing"

A roll call was requested and properly seconded.

The question was taken on the Dawkins amendment and the roll was called. There were 50 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Carruthers	Dempsey	Gleason	Hasskamp	Kahn
Bakk	Chaudhary	Dorn	Gray	Hausman	Kalis
Biernat	Clark, K.	Entenza	Greenfield	Hilty	Kelliher
Carlson	Dawkins	Folliard	Greiling	Jaros	Koskinen

Leighton	Mariani	Murphy	Pelowski	Smith	Winter
Lenczewski	Marko	Opatz	Rest	Tomassoni	
Lieder	McCollum	Otremba	Rukavina	Trimble	
Luther	McGuire	Ozment	Skoe	Wagenius	
Mahoney	Mullery	Paymar	Skoglund	Wenzel	

Those who voted in the negative were:

Abeler	Erhardt	Huntley	McElroy	Rhodes	Tunheim
Abrams	Erickson	Jennings	Milbert	Rifenberg	Van Dellen
Anderson, B.	Finseth	Johnson	Molnau	Rostberg	Vandever
Bishop	Fuller	Juhnke	Mulder	Schumacher	Westerberg
Boudreau	Gerlach	Kielkucki	Ness	Seagren	Westfall
Bradley	Goodno	Knoblach	Nornes	Seifert, J.	Westrom
Broecker	Gunther	Krinkie	Olson	Seifert, M.	Wilkin
Buesgens	Haake	Kubly	Osskopp	Stanek	Wolf
Cassell	Haas	Kuisle	Osthoff	Stang	Workman
Clark, J.	Hackbarth	Larsen, P.	Paulsen	Storm	Spk. Sviggum
Daggett	Harder	Larson, D.	Pawlenty	Swenson	
Davids	Holberg	Leppik	Peterson	Sykora	
Dehler	Holsten	Lindner	Pugh	Tingelstad	
Dorman	Howes	Mares	Reuter	Tuma	

The motion did not prevail and the amendment was not adopted.

Chaudhary, Mahoney, Rukavina, Smith, Gleason, Entenza, Carruthers, Bakk, Gray and Mullery moved to amend H. F. No. 1163 as follows:

Page 4, delete lines 20 to 23 and insert:

"Subd. 4. [COST-OF-LEASE SERVICES.] The total amount charged by the lessor for the cost-of-lease services under a rental-purchase agreement must not exceed an amount equivalent to 36 percent per year of the unpaid balance of the cash price."

A roll call was requested and properly seconded.

The question was taken on the Chaudhary et al amendment and the roll was called. There were 55 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Abeler	Folliard	Kahn	Mahoney	Pelowski	Trimble
Anderson, I.	Gleason	Kalis	Mariani	Peterson	Wagenius
Bakk	Gray	Kelliher	Marko	Rest	Wenzel
Biernat	Greenfield	Koskinen	McCollum	Rukavina	Westerberg
Carlson	Greiling	Kubly	McGuire	Schumacher	Winter
Carruthers	Hasskamp	Larsen, P.	Mullery	Seifert, J.	
Chaudhary	Hausman	Leighton	Murphy	Skoe	
Clark, K.	Hilty	Lenczewski	Otremba	Skoglund	
Dawkins	Jaros	Lieder	Ozment	Smith	
Entenza	Johnson	Luther	Paymar	Tomassoni	

Those who voted in the negative were:

Abrams	Dorman	Holberg	Mares	Pugh	Tunheim
Anderson, B.	Dorn	Holsten	McElroy	Reuter	Van Dellen
Bishop	Erhardt	Howes	Milbert	Rhodes	Vandever
Boudreau	Erickson	Huntley	Molnau	Rostberg	Westfall
Bradley	Finseth	Jennings	Mulder	Seagren	Westrom
Broecker	Fuller	Juhnke	Ness	Seifert, M.	Wilkin
Buesgens	Gerlach	Kielkucki	Nornes	Stanek	Wolf
Cassell	Goodno	Knoblach	Olson	Stang	Workman
Clark, J.	Gunther	Krinkie	Opatz	Storm	Spk. Sviggum
Daggett	Haake	Kuise	Osskopp	Swenson	
Davids	Haas	Larson, D.	Osthoff	Sykora	
Dehler	Hackbarth	Leppik	Paulsen	Tingelstad	
Dempsey	Harder	Lindner	Pawlenty	Tuma	

The motion did not prevail and the amendment was not adopted.

Clark, K.; Gray; Mullery and Mariani moved to amend H. F. No. 1163 as follows:

Page 4, delete lines 20 to 23 and insert:

"Subd. 4. [LIMIT ON COST OF LEASE SERVICES.] (a) The cost of lease services, taking into account the amounts and timing of the payments required, must not exceed the equivalent of charging an interest rate of 18 percent per year.

(b) The cost of lease services, in terms of its interest rate equivalent, must be disclosed in writing to the consumer prior to entering into the rental-purchase agreement."

The motion did not prevail and the amendment was not adopted.

Chaudhary moved to amend H. F. No. 1163 as follows:

Page 1, delete section 1

Page 4, delete section 5

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

H. F. No. 1163, A bill for an act relating to commerce; regulating rental-purchase agreements; modifying the definitions of certain terms; providing for the calculation of the cash price of property; limiting charges for cost-of-lease services; amending Minnesota Statutes 1998, sections 325F.84, subdivision 3, and by adding a subdivision; 325F.85; 325F.86; and 325F.91, by adding subdivisions.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 79 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Howes	Mulder	Rostberg	Van Dellen
Abrams	Erhardt	Jennings	Ness	Schumacher	Vandever
Anderson, B.	Erickson	Juhnke	Nornes	Seagren	Westerberg
Bishop	Finseth	Kalis	Olson	Seifert, J.	Westfall
Boudreau	Fuller	Kielkucki	Osskopp	Seifert, M.	Westrom
Bradley	Gerlach	Knoblach	Osthoff	Stanek	Wilkin
Broecker	Goodno	Krinkie	Paulsen	Stang	Wolf
Buesgens	Gunther	Kuisle	Pawlenty	Storm	Workman
Cassell	Haake	Larson, D.	Pelowski	Swenson	Spk. Sviggum
Clark, J.	Haas	Leppik	Peterson	Sykora	
Daggett	Hackbarth	Lindner	Pugh	Tingelstad	
Davids	Harder	Mares	Reuter	Tomassoni	
Dehler	Holberg	Milbert	Rhodes	Tuma	
Dorman	Holsten	Molnau	Rifenberg	Tunheim	

Those who voted in the negative were:

Anderson, I.	Entenza	Huntley	Lenczewski	Mullery	Skoglund
Bakk	Folliard	Jaros	Lieder	Murphy	Smith
Biernat	Gleason	Johnson	Luther	Opatz	Trimble
Carlson	Gray	Kahn	Mahoney	Otremba	Wagenius
Carruthers	Greenfield	Kelliher	Mariani	Ozment	Wenzel
Chaudhary	Greiling	Koskinen	Marko	Paymar	Winter
Clark, K.	Hasskamp	Kubly	McCollum	Rest	
Dawkins	Hausman	Larsen, P.	McElroy	Rukavina	
Dempsey	Hilty	Leighton	McGuire	Skoe	

The bill was passed and its title agreed to.

S. F. No. 1012 was reported to the House.

Bakk moved that S. F. No. 1012 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 832, A bill for an act relating to securities regulation; making changes applicable to securities registered under the small company offering registration; amending Minnesota Statutes 1998, section 80A.115, subdivisions 4 and 9.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Bishop	Broecker	Carruthers	Clark, J.
Abrams	Bakk	Boudreau	Buesgens	Cassell	Clark, K.
Anderson, B.	Biernat	Bradley	Carlson	Chaudhary	Daggett

Davids	Haas	Koskinen	Milbert	Rest	Tomassoni
Dawkins	Hackbarth	Krinkie	Molnau	Reuter	Trimble
Dehler	Harder	Kubly	Mulder	Rhodes	Tuma
Dempsey	Hasskamp	Kuisle	Mullery	Rifenberg	Tunheim
Dorman	Hausman	Larsen, P.	Murphy	Rostberg	Van Dellen
Dorn	Hilty	Larson, D.	Ness	Rukavina	Vandev eer
Entenza	Holberg	Leighton	Nornes	Schumacher	Wagenius
Erhardt	Holsten	Lenczewski	Olson	Seagren	Wenzel
Erickson	Howes	Leppik	Opatz	Seifert, J.	Westerberg
Finseth	Huntley	Lieder	Osskopp	Seifert, M.	Westfall
Folliard	Jaros	Lindner	Osthoff	Skoe	Westrom
Fuller	Jennings	Luther	Otremba	Skoglund	Wilkin
Gerlach	Johnson	Mahoney	Ozment	Smith	Winter
Gleason	Juhnke	Mares	Paulsen	Stanek	Wolf
Goodno	Kahn	Mariani	Pawlenty	Stang	Workman
Gray	Kalis	Marko	Paymar	Storm	Spk. Sviggum
Greiling	Kelliher	McCollum	Pelowski	Swenson	
Gunther	Kielkucki	McElroy	Peterson	Sykora	
Haake	Knoblach	McGuire	Pugh	Tingelstad	

The bill was passed and its title agreed to.

S. F. No. 1017, A bill for an act relating to civil actions; requiring the summons to include notice of the alternative dispute resolution process; amending Minnesota Statutes 1998, section 518.091; proposing coding for new law in Minnesota Statutes, chapter 543.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dawkins	Hackbarth	Krinkie	Molnau	Rhodes
Abrams	Dehler	Harder	Kubly	Mulder	Rifenberg
Anderson, B.	Dempsey	Hasskamp	Kuisle	Mullery	Rostberg
Anderson, I.	Dorman	Hausman	Larsen, P.	Murphy	Rukavina
Bakk	Dorn	Hilty	Larson, D.	Ness	Schumacher
Biernat	Entenza	Holberg	Leighton	Nornes	Seagren
Bishop	Erhardt	Holsten	Lenczewski	Olson	Seifert, J.
Boudreau	Erickson	Howes	Leppik	Opatz	Seifert, M.
Bradley	Finseth	Huntley	Lieder	Osskopp	Skoe
Broecker	Folliard	Jaros	Lindner	Osthoff	Skoglund
Buesgens	Fuller	Jennings	Luther	Otremba	Smith
Carlson	Gerlach	Johnson	Mahoney	Ozment	Stanek
Carruthers	Gleason	Juhnke	Mares	Paulsen	Stang
Cassell	Goodno	Kahn	Mariani	Pawlenty	Storm
Chaudhary	Greenfield	Kalis	Marko	Pelowski	Swenson
Clark, J.	Greiling	Kelliher	McCollum	Peterson	Sykora
Clark, K.	Gunther	Kielkucki	McElroy	Pugh	Tingelstad
Daggett	Haake	Knoblach	McGuire	Rest	Tomassoni
Davids	Haas	Koskinen	Milbert	Reuter	Trimble

Tuma	Vandev eer	Westerberg	Wilkin	Workman
Tunheim	Wagenius	Westfall	Winter	Spk. Sviggum
Van Dellen	Wenzel	Westrom	Wolf	

The bill was passed and its title agreed to.

S. F. No. 1041 was reported to the House.

Dorman moved to amend S. F. No. 1041 as follows:

Page 3, line 24, after the period, insert ""Household goods warehouse operator" does not include persons, corporations, or other parties operating storage facilities for storage on a seasonal basis of boats, boating accessories, recreational vehicles, or recreational equipment, or facilities in which the party storing goods rents and occupies space as a tenant and the entire risk of loss is with the tenant pursuant to written contract between the landlord and tenant."

The motion prevailed and the amendment was adopted.

S. F. No. 1041, A bill for an act relating to agriculture; changing and clarifying provisions of the warehouse law; amending Minnesota Statutes 1998, sections 231.01; 231.04; 231.08; 231.09; 231.11; 231.12; 231.13; 231.14; 231.15; 231.16; 231.17; 231.18, subdivisions 1 and 6; 231.24; 231.28; 231.34; 231.36; 231.37; 231.38; and 231.39; proposing coding for new law in Minnesota Statutes, chapter 231; repealing Minnesota Statutes 1998, sections 231.02; 231.03; 231.05; 231.06; 231.07; 231.10; 231.15; and 231.35.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dawkins	Haas	Koskinen	Molnau	Reuter
Abrams	Dehler	Hackbarth	Krinkie	Mulder	Rhodes
Anderson, B.	Dempsey	Harder	Kubly	Mullery	Rifenberg
Anderson, I.	Dorman	Hasskamp	Kuisle	Murphy	Rostberg
Bakk	Dorn	Hausman	Larsen, P.	Ness	Rukavina
Biernat	Entenza	Hilty	Larson, D.	Nornes	Schumacher
Bishop	Erhardt	Holberg	Leighton	Olson	Seagren
Boudreau	Erickson	Holsten	Lenczewski	Opatz	Seifert, J.
Bradley	Finseth	Howes	Leppik	Osskopp	Seifert, M.
Broecker	Folliard	Huntley	Lieder	Osthoff	Skoe
Buesgens	Fuller	Jaros	Lindner	Otremba	Skoglund
Carlson	Gerlach	Jennings	Luther	Ozment	Smith
Carruthers	Gleason	Johnson	Mahoney	Paulsen	Stanek
Cassell	Goodno	Juhnke	Mares	Pawlenty	Stang
Chaudhary	Gray	Kahn	Mariani	Paymar	Storm
Clark, J.	Greenfield	Kalis	McCollum	Pelowski	Swenson
Clark, K.	Greiling	Kelliher	McElroy	Peterson	Sykora
Daggett	Gunther	Kielkucki	McGuire	Pugh	Tingelstad
Davids	Haake	Knoblach	Milbert	Rest	Tomassoni

Trimble	Van Dellen	Wenzel	Westrom	Wolf
Tuma	Vandev eer	Westerberg	Wilkin	Workman
Tunheim	Wagenius	Westfall	Winter	Spk. Sviggum

The bill was passed, as amended, and its title agreed to.

H. F. No. 979 was reported to the House.

Dawkins moved to amend H. F. No. 979, the first engrossment, as follows:

Page 2, line 1, delete the second "the" and insert "an equitable"

Page 2, line 2, after "apportionment" insert "and the frequency of billing by the owner"

Page 2, line 3, after the period, insert "All written and oral leases must contain a provision that, upon request from a tenant, an owner must provide a copy of the actual utility bill for the building along with each apportioned utility bill. Upon a tenant's request an owner must also provide past copies of actual utility bills for any period of the tenancy for which tenants received an apportioned utility bill."

The motion prevailed and the amendment was adopted.

H. F. No. 979, A bill for an act relating to landlords and tenants; providing that landlords may apportion utility payments among residential units; amending Minnesota Statutes 1998, section 504.185, subdivision 1a.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Daggett	Greenfield	Juhnke	Luther	Osthoff
Abrams	Davids	Greiling	Kahn	Mahoney	Otremba
Anderson, B.	Dawkins	Gunther	Kalis	Mares	Ozment
Anderson, I.	Dehler	Haake	Kelliher	Mariani	Paulsen
Bakk	Dempsey	Haas	Kielkucki	McCollum	Pawlenty
Biernat	Dorman	Hackbarth	Knoblach	McElroy	Paymar
Bishop	Dorn	Harder	Koskinen	McGuire	Pelowski
Boudreau	Entenza	Hasskamp	Krinkie	Milbert	Peterson
Bradley	Erhardt	Hausman	Kubly	Molnau	Pugh
Broecker	Erickson	Hilty	Kuise	Mulder	Rest
Buesgens	Finseth	Holberg	Larsen, P.	Mullery	Reuter
Carlson	Folliard	Holsten	Larson, D.	Murphy	Rhodes
Carruthers	Fuller	Howes	Leighton	Ness	Rifenberg
Cassell	Gerlach	Huntley	Lenczewski	Nornes	Rostberg
Chaudhary	Gleason	Jaros	Leppik	Olson	Rukavina
Clark, J.	Goodno	Jennings	Lieder	Opatz	Schumacher
Clark, K.	Gray	Johnson	Lindner	Osskopp	Seagan

Seifert, J.	Stanek	Tingelstad	Van Dellen	Westfall	Workman
Seifert, M.	Stang	Tomassoni	Vandev eer	Westrom	Spk. Sviggum
Skoe	Storm	Trimble	Wagenius	Wilkin	
Skoglund	Swenson	Tuma	Wenzel	Winter	
Smith	Sykora	Tunheim	Westerberg	Wolf	

The bill was passed, as amended, and its title agreed to.

S. F. No. 451, A bill for an act relating to agriculture; regulating security interests in agricultural crops; modifying the treatment of certain collateral; amending Minnesota Statutes 1998, sections 336.9-203; 336.9-401; and 336.9-402.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 104 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Holsten	Luther	Pawlenty	Sykora
Abrams	Dorman	Howes	Mahoney	Pelowski	Tingelstad
Anderson, B.	Dorn	Jennings	Mares	Pugh	Tomassoni
Anderson, I.	Erhardt	Johnson	McElroy	Rest	Tuma
Bakk	Erickson	Juhnke	McGuire	Reuter	Tunheim
Bishop	Finseth	Kahn	Milbert	Rhodes	Van Dellen
Boudreau	Fuller	Kalis	Molnau	Rifenberg	Vandev eer
Bradley	Gerlach	Kielkucki	Mulder	Rostberg	Westerberg
Broecker	Gleason	Knoblach	Mullery	Schumacher	Westfall
Buesgens	Goodno	Krinkie	Murphy	Seagren	Westrom
Carlson	Gunther	Kuisle	Ness	Seifert, J.	Wilkin
Carruthers	Haake	Larsen, P.	Nornes	Seifert, M.	Wolf
Cassell	Haas	Larson, D.	Olson	Skoe	Workman
Clark, J.	Hackbarth	Leighton	Opatz	Smith	Spk. Sviggum
Clark, K.	Harder	Lenczewski	Osskopp	Stanek	
Daggett	Hasskamp	Leppik	Osthoff	Stang	
Davids	Hilty	Lieder	Ozment	Storm	
Dehler	Holberg	Lindner	Paulsen	Swenson	

Those who voted in the negative were:

Biernat	Gray	Jaros	McCollum	Skoglund
Chaudhary	Greenfield	Kelliher	Otremba	Trimble
Dawkins	Greiling	Koskinen	Paymar	Wagenius
Entenza	Hausman	Kubly	Peterson	Wenzel
Folliard	Huntley	Mariani	Rukavina	Winter

The bill was passed and its title agreed to.

H. F. No. 1369, A bill for an act relating to political subdivisions; providing that certain checks of a political subdivision are exempt from Minnesota Statutes, sections 345.31 to 345.60; amending Minnesota Statutes 1998, section 345.38, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holberg	Lieder	Pawlenty	Sykora
Abrams	Dorn	Holsten	Lindner	Paymar	Tingelstad
Anderson, B.	Entenza	Howes	Luther	Pelowski	Tomassoni
Anderson, I.	Erhardt	Huntley	Mahoney	Peterson	Trimble
Bakk	Erickson	Jaros	Mares	Pugh	Tuma
Biernat	Finseth	Jennings	Mariani	Rest	Tunheim
Bishop	Folliard	Johnson	McCollum	Reuter	Van Dellen
Boudreau	Fuller	Juhnke	McElroy	Rhodes	Vandev eer
Bradley	Gerlach	Kahn	McGuire	Rifenberg	Wagenius
Broecker	Gleason	Kalis	Milbert	Rostberg	Wenzel
Buesgens	Goodno	Kelliher	Molnau	Rukavina	Westerberg
Carlson	Gray	Kielkucki	Mulder	Schumacher	Westfall
Carruthers	Greenfield	Knoblach	Mullery	Seagren	Westrom
Cassell	Greiling	Koskinen	Ness	Seifert, J.	Wilkin
Chaudhary	Gunther	Krinkie	Nornes	Seifert, M.	Winter
Clark, J.	Haake	Kubly	Olson	Skoe	Wolf
Clark, K.	Haas	Kuisle	Opatz	Skoglund	Workman
Daggett	Hackbarth	Larsen, P.	Osskopp	Smith	Spk. Sviggum
Davids	Harder	Larson, D.	Osthoff	Stanek	
Dawkins	Hasskamp	Leighton	Otremba	Stang	
Dehler	Hausman	Lenczewski	Ozment	Storm	
Dempsey	Hilty	Leppik	Paulsen	Swenson	

The bill was passed and its title agreed to.

S. F. No. 2017 was reported to the House.

Haas moved to amend S. F. No. 2017 as follows:

Page 9, delete sections 15 and 16

Page 11, line 22, after the semicolon, insert "43A.317;"

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2017, A bill for an act relating to public employment; making technical and administrative changes; modifying definitions; redesigning administrative procedures for certain pilot projects; amending Minnesota Statutes 1998, sections 13.43, subdivision 2; 43A.02, subdivisions 11 and 33; 43A.04, subdivision 4; 43A.06, subdivision 8; 43A.07, subdivisions 4 and 6; 43A.13, subdivision 3; 43A.15, subdivision 6, and by adding a subdivision; 43A.17, subdivision 8; 43A.18, subdivision 1; 43A.19, subdivision 3; 43A.20; 43A.317, subdivisions 3 and 4; and 43A.421; Laws 1995, chapter 248, article 13, section 2, subdivisions 5, as amended, and 6, as amended; repealing Minnesota Statutes 1998, sections 43A.13, subdivision 9; 43A.40; 43A.41; 43A.42; 43A.43, subdivision 2; 43A.44; 43A.45; 43A.46; and 43A.465; Laws 1995, chapter 248, article 13, section 2, subdivision 8; Minnesota Rules, parts 3910.0100; 3910.0200; 3910.0300; 3910.0400; 3910.0500; 3910.0600; 3910.0700; 3910.0800; 3910.0900; 3910.1000; 3910.1100; 3910.1200; 3910.1300; 3910.1400; 3910.1500; 3910.1600; and 3910.1700.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holberg	Lieder	Paulsen	Swenson
Abrams	Dorn	Holsten	Lindner	Pawlenty	Sykora
Anderson, B.	Entenza	Howes	Luther	Paymar	Tingelstad
Anderson, I.	Erhardt	Huntley	Mahoney	Pelowski	Tomassoni
Bakk	Erickson	Jaros	Mares	Peterson	Trimble
Biernat	Finseth	Jennings	Mariani	Pugh	Tuma
Bishop	Folliard	Johnson	McCollum	Rest	Tunheim
Boudreau	Fuller	Juhnke	McElroy	Reuter	Van Dellen
Bradley	Gerlach	Kahn	McGuire	Rhodes	Vandever
Broecker	Gleason	Kalis	Milbert	Rifenberg	Wagenius
Buesgens	Goodno	Kelliher	Molnau	Rostberg	Wenzel
Carlson	Gray	Kielkucki	Mulder	Rukavina	Westerberg
Carruthers	Greenfield	Knobloch	Mullery	Schumacher	Westfall
Cassell	Greiling	Koskinen	Murphy	Seagren	Westrom
Chaudhary	Gunther	Krinkie	Ness	Seifert, J.	Wilkin
Clark, J.	Haake	Kubly	Nornes	Seifert, M.	Winter
Clark, K.	Haas	Kuisle	Olson	Skoe	Wolf
Daggett	Hackbarth	Larsen, P.	Opatz	Skoglund	Workman
Davids	Harder	Larson, D.	Osskopp	Smith	Spk. Sviggum
Dawkins	Hasskamp	Leighton	Osthoff	Stanek	
Dehler	Hausman	Lenczewski	Otremba	Stang	
Dempsey	Hilty	Leppik	Ozment	Storm	

The bill was passed, as amended, and its title agreed to.

S. F. No. 303 was reported to the House.

Seifert, J.; Smith; Stanek; Tunheim; Greenfield; Rifenberg; Jennings; Holberg; Biernat; McElroy; Lieder; Mares and Clark, J., moved to amend S. F. No. 303 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [REPEALER.]

Minnesota Statutes, section 169.685, subdivision 4, is repealed."

Delete the title and insert:

"A bill for an act relating to civil actions; eliminating the prohibition on admitting into evidence use of seat belts and child passenger restraint systems; repealing Minnesota Statutes 1998, section 169.685, subdivision 4."

A roll call was requested and properly seconded.

POINT OF ORDER

Pugh raised a point of order pursuant to rule 3.21 that the Seifert, J., et al amendment was not in order. Speaker pro tempore Abrams ruled the point of order not well taken and the Seifert, J., et al amendment in order.

Hasskamp; Rukavina; Bakk; Tunheim; Anderson, I., and Tomassoni offered an amendment to the amendment to S. F. No. 303.

POINT OF ORDER

Seifert, J., raised a point of order pursuant to rule 3.21 that the Hasskamp et al amendment to the amendment was not in order. Speaker pro tempore Abrams ruled the point of order well taken and the Hasskamp et al amendment to the amendment out of order.

The question recurred on the Seifert, J., et al amendment and the roll was called. There were 34 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Biernat	Dorn	Kahn	Lenczewski	Pawlenty	Westerberg
Bradley	Erickson	Kalis	Mares	Rifenberg	Wilkin
Broecker	Greenfield	Knoblach	McElroy	Seifert, J.	Wolf
Buesgens	Haake	Krinkie	Nornes	Smith	Spk. Sviggum
Clark, J.	Harder	Kuisle	Opatz	Stanek	
Davids	Holberg	Larsen, P.	Paulsen	Tunheim	

Those who voted in the negative were:

Abeler	Entenza	Hilty	Mahoney	Paymar	Storm
Anderson, B.	Erhardt	Howes	Mariani	Pelowski	Swenson
Anderson, I.	Finseth	Huntley	McCollum	Peterson	Sykora
Bakk	Folliard	Jaros	McGuire	Pugh	Tingelstad
Boudreau	Fuller	Johnson	Milbert	Rest	Tomassoni
Carlson	Gerlach	Juhnke	Molnau	Reuter	Trimble
Carruthers	Gleason	Kelliher	Mulder	Rhodes	Tuma
Cassell	Goodno	Kielkucki	Mullery	Rostberg	Van Dellen
Chaudhary	Gray	Koskinen	Murphy	Rukavina	Vandever
Clark, K.	Greiling	Kubly	Ness	Schumacher	Wagenius
Daggett	Gunther	Larson, D.	Olson	Seagren	Wenzel
Dawkins	Haas	Leighton	Osskopp	Seifert, M.	Westfall
Dehler	Hackbarth	Leppik	Osthoff	Skoe	Westrom
Dempsey	Hasskamp	Lindner	Otremba	Skoglund	Winter
Dorman	Hausman	Luther	Ozment	Stang	Workman

The motion did not prevail and the amendment was not adopted.

Workman offered an amendment to S. F. No. 303.

POINT OF ORDER

Pugh raised a point of order pursuant to rule 3.21 that the Workman amendment was not in order. Speaker pro tempore Abrams ruled the point of order well taken and the Workman amendment out of order.

S. F. No. 303, A bill for an act relating to civil actions; clarifying admissibility of evidence regarding seat belts and child passenger restraint systems in certain actions; amending Minnesota Statutes 1998, section 169.685, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Hilty	Leppik	Paulsen	Swenson
Abrams	Dorn	Holberg	Lieder	Pawlenty	Sykora
Anderson, B.	Entenza	Holsten	Lindner	Paymar	Tingelstad
Anderson, I.	Erhardt	Howes	Luther	Pelowski	Tomassoni
Bakk	Erickson	Huntley	Mahoney	Peterson	Trimble
Biernat	Finseth	Jaros	Mariani	Pugh	Tuma
Bishop	Folliard	Jennings	McCollum	Rest	Tunheim
Boudreau	Fuller	Johnson	McElroy	Reuter	Van Dellen
Bradley	Gleason	Juhnke	McGuire	Rhodes	Vandever
Broecker	Goodno	Kahn	Milbert	Rostberg	Wagenius
Carlson	Gray	Kalis	Molnau	Rukavina	Wenzel
Carruthers	Greenfield	Kelliher	Mullery	Schumacher	Westerberg
Cassell	Greiling	Knoblach	Murphy	Seagren	Westfall
Chaudhary	Gunther	Koskinen	Ness	Seifert, J.	Westrom
Clark, J.	Haake	Kubly	Nornes	Skoe	Winter
Clark, K.	Haas	Kuisle	Olson	Skoglund	Wolf
Daggett	Hackbarth	Larsen, P.	Opatz	Smith	Workman
Dawkins	Harder	Larson, D.	Osthoff	Stanek	Spk. Sviggum
Dehler	Hasskamp	Leighton	Otremba	Stang	
Dempsey	Hausman	Lenczewski	Ozment	Storm	

Those who voted in the negative were:

Buesgens	Gerlach	Krinkie	Mulder	Rifenberg	Wilkin
Davids	Kielkucki	Mares	Osskopp	Seifert, M.	

The bill was passed and its title agreed to.

H. F. No. 1106 was reported to the House.

Larsen, P., moved to amend H. F. No. 1106, the first engrossment, as follows:

Page 1, line 18, after "on" insert "the fact of"

Page 2, line 12, delete "and" and insert a comma

Page 2, line 13, after the comma, insert "and that person did not test positive for the HIV virus in any test administered by the trial sponsor prior to entering the vaccine clinical trial."

The motion prevailed and the amendment was adopted.

H. F. No. 1106, A bill for an act relating to health; limiting use of health information secured as part of HIV vaccine research for insurance underwriting; amending Minnesota Statutes 1998, section 72A.20, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holberg	Luther	Paymar	Tingelstad
Abrams	Dorn	Holsten	Mahoney	Pelowski	Tomassoni
Anderson, I.	Entenza	Howes	Mares	Peterson	Trimble
Bakk	Erhardt	Huntley	Mariani	Pugh	Tuma
Biernat	Erickson	Jaros	McCollum	Rest	Tunheim
Bishop	Finseth	Jennings	McElroy	Rhodes	Van Dellen
Boudreau	Folliard	Johnson	Milbert	Rifenberg	Vandever
Bradley	Gleason	Juhnke	Molnau	Rostberg	Wagenius
Broecker	Goodno	Kahn	Mulder	Rukavina	Wenzel
Carlson	Gray	Kalis	Mullery	Schumacher	Westerberg
Carruthers	Greenfield	Kelliher	Murphy	Seagren	Westfall
Cassell	Greiling	Knoblach	Ness	Seifert, J.	Westrom
Chaudhary	Gunther	Koskinen	Nornes	Seifert, M.	Winter
Clark, J.	Haake	Kubly	Olson	Skoe	Wolf
Clark, K.	Haas	Larsen, P.	Opatz	Skoglund	Workman
Daggett	Hackbarth	Larson, D.	Osthoff	Stanek	Spk. Sviggum
Davids	Harder	Leighton	Otremba	Stang	
Dawkins	Hasskamp	Lenczewski	Ozment	Storm	
Dehler	Hausman	Leppik	Paulsen	Swenson	
Dempsey	Hilty	Lieder	Pawlenty	Sykora	

Those who voted in the negative were:

Anderson, B.	Gerlach	Krinkie	Lindner	Reuter	Wilkin
Buesgens	Kielkucki	Kuise	Osskopp	Smith	

The bill was passed, as amended, and its title agreed to.

The Speaker resumed the Chair.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Bishop announced his intention to place H. F. No. 2404 on the Fiscal Calendar for Tuesday, April 20, 1999.

CALENDAR FOR THE DAY, Continued

S. F. No. 1330 was reported to the House.

Haas moved to amend S. F. No. 1330, the unofficial engrossment, as follows:

Page 24, after line 19, insert:

"Sec. 31. Minnesota Statutes 1998, section 58.04, subdivision 1, is amended to read:

Subdivision 1. [RESIDENTIAL MORTGAGE ORIGINATOR LICENSING REQUIREMENTS.] (a) Beginning August 1, 1999, no person shall act as a residential mortgage originator, or make residential mortgage loans without first obtaining a license from the commissioner according to the licensing procedures provided in this chapter.

(b) The following persons are exempt from the residential mortgage originator licensing requirements:

(1) an employee of one mortgage originator licensee or one person holding a certificate of exemption;

(2) a person engaged solely in commercial mortgage activities;

(3) a person licensed as a real estate broker under chapter 82, and an individual licensee who is licensed to the broker if:

(i) the individual licensee acts only under the name, authority, and supervision of the broker to whom the licensee is licensed;

(ii) the broker obtains a certificate of exemption according to section 58.05, subdivision 2;

(iii) the broker does not collect an advance fee for its residential mortgage-related activities; and

(iv) the residential mortgage origination activities are incidental to the real estate licensee's primary activities as a real estate broker or salesperson;

(4) an individual licensed as a property/casualty or life/health insurance agent under chapter 60K if:

(i) the insurance agent acts on behalf of only one residential mortgage originator, which is in compliance with chapter 58;

(ii) the insurance agent has entered into a written contract with the mortgage originator under the terms of which the mortgage originator agrees to accept responsibility for the insurance agent's residential mortgage-related activities;

(iii) the insurance agent obtains a certificate of exemption under section 58.05, subdivision 2; and

(iv) the insurance agent does not collect an advance fee for the insurance agent's residential mortgage-related activities;

(5) a person making no more than five residential mortgage loans with its own funds, during any 12-month period;

- ~~(5)~~ (6) a financial institution as defined in section 58.02, subdivision 10;
- ~~(6)~~ (7) an agency of the federal government, or of a state or municipal government;
- ~~(7)~~ (8) an employee or employer pension plan making loans only to its participants;
- ~~(8)~~ (9) a person acting in a fiduciary capacity, such as a trustee or receiver, as a result of a specific order issued by a court of competent jurisdiction; or
- ~~(9)~~ (10) a person exempted by order of the commissioner."

Page 26, after line 26, insert:

"Sec. 35. Minnesota Statutes 1998, section 60K.11, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS.] The commissioner may by order take any or all of the following actions:

- (1) deny, suspend, or revoke an insurance agent or agency license;
- (2) censure the licensee; or
- (3) impose a civil penalty as provided for in section 45.027, subdivision 6.

In order to take this action the commissioner must find that the order is in the public interest and that the applicant; licensee; or in the case of an insurance agency, partner, director, shareholder, officer, or agent of that insurance agency:

- (i) does not intend to or is not in good faith carrying on the business of an insurance agent;
- (ii) has filed an application for a license which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, contains any misrepresentation, or is false, misleading, or fraudulent;
- (iii) has engaged in an act or practice, whether or not such act or practice involves the business of insurance, which demonstrates that the applicant or licensee is untrustworthy, financially irresponsible, or otherwise incompetent or unqualified to act as an insurance agent or agency;
- (iv) has pled guilty, with or without explicitly admitting guilt, pled nolo contendere, or been convicted of a felony, gross misdemeanor, or misdemeanor involving moral turpitude, including, but not limited to, assault or similar conduct;
- (v) has violated or failed to comply with any of the provisions of the insurance laws including chapter 45 or chapters 60A to 72A or any rule or order under those chapters;
- (vi) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the insurance business;
- (vii) has violated or failed to comply with any order of the insurance regulator of any other state or jurisdiction;
- (viii) has had an insurance agent or agency license denied, suspended, or revoked, has been censured or reprimanded, has been the subject of any other discipline imposed by, or has paid or has been required to pay a monetary penalty or fine to, another state or jurisdiction;
- (ix) has misrepresented the terms of any actual or proposed insurance contract;

(x) has engaged in any fraudulent, coercive, deceptive, or dishonest act or practice whether or not such act or practice involves the business of insurance;

(xi) has improperly withheld, misappropriated, or converted to the licensee's or applicant's own use any money belonging to a policyholder, insurer, beneficiary, or other person; ~~or~~

(xii) has forged another's name to any document whether or not the document relates to an application for insurance or a policy of insurance; or

(xiii) has, while performing residential mortgage activity regulated under chapter 58, violated any notification, disclosure, or recordkeeping requirement, or any standard of conduct, imposed by chapter 58."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Gleason moved to amend S. F. No. 1330, the unofficial engrossment, as amended, as follows:

Page 13, after line 16, insert:

"Sec. 17. Minnesota Statutes 1998, section 47.64, is amended by adding a subdivision to read:

Subd. 8. [LIMITATION ON FEES.] (a) A financial institution that owns or operates more than four electronic financial terminals shall not assess an electronic financial terminal surcharge.

(b) Paragraph (a) prohibits a surcharge:

(1) by a financial institution against its own customer for use of a terminal owned or operated by that financial institution for a transaction involving the customer's account at that institution; and

(2) by a financial institution against any person for use of a terminal owned or operated by that institution involving the person's account at another financial institution.

(c) This subdivision does not affect a charge:

(1) by a financial institution against another financial institution; or

(2) against the financial institution's own customer for use of a terminal not owned or operated by that financial institution."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Haas raised a point of order pursuant to rule 3.21 that the Gleason amendment was not in order. The Speaker ruled the point of order not well taken and the Gleason amendment in order.

The question recurred on the Gleason amendment and the roll was called. There were 50 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Hausman	Leighton	Murphy	Trimble
Anderson, I.	Folliard	Howes	Lenczewski	Osthoff	Tunheim
Biernat	Fuller	Jaros	Luther	Paymar	Wagenius
Carlson	Gleason	Johnson	Mahoney	Pugh	Westerberg
Carruthers	Gray	Kahn	Mariani	Rukavina	Winter
Chaudhary	Greenfield	Kalis	McCollum	Schumacher	
Clark, K.	Greiling	Kelliher	McGuire	Skoglund	
Dawkins	Haake	Koskinen	Milbert	Smith	
Dorn	Hackbarth	Larson, D.	Mullery	Tomassoni	

Those who voted in the negative were:

Abrams	Dempsey	Huntley	McElroy	Peterson	Sykora
Anderson, B.	Dorman	Jennings	Molnau	Rest	Tingelstad
Bakk	Erhardt	Juhnke	Mulder	Reuter	Tuma
Bishop	Erickson	Kielkucki	Ness	Rhodes	Van Dellen
Boudreau	Finseth	Knoblach	Nornes	Rifenberg	Vandever
Bradley	Gerlach	Krinkie	Olson	Seagren	Wenzel
Broecker	Goodno	Kubly	Opatz	Seifert, J.	Westfall
Buesgens	Gunther	Kuisle	Osskopp	Seifert, M.	Westrom
Cassell	Haas	Larsen, P.	Otremba	Skoe	Wilkin
Clark, J.	Harder	Leppik	Ozment	Stanek	Wolf
Daggett	Hilty	Lieder	Paulsen	Stang	Workman
Davids	Holberg	Lindner	Pawlenty	Storm	Spk. Sviggum
Dehler	Holsten	Mares	Pelowski	Swenson	

The motion did not prevail and the amendment was not adopted.

Mullery moved to amend S. F. No. 1330, the unofficial engrossment, as amended, as follows:

Page 5, after line 16, insert:

"Sec. 8. Minnesota Statutes 1998, section 47.20, subdivision 5, is amended to read:

Subd. 5. [PREPAYMENT PENALTY.] (a) ~~Unless the mortgagor waives its right to prepay the mortgage loan without penalty, in a uniform written disclosure waiver approved by the commissioner and signed by the mortgagor, No conventional loan or loan authorized in subdivision 1 shall contain a provision requiring or permitting the imposition of a penalty in the event the loan or advance of credit is prepaid. The prepayment penalty shall not exceed the lesser of two percent of the unpaid principal balance or 60 days interest on the unpaid principal balance. A lender that offers a mortgage loan with a prepayment penalty shall also offer a mortgage loan without a prepayment penalty.~~

~~This section does not permit the imposition of a prepayment penalty in the event that the property securing the mortgage loan is sold or the mortgage loan is prepaid in part. No prepayment penalty may be enforced after 42 months from the date of the mortgage loan.~~

(b) A precomputed conventional loan or precomputed loan authorized in subdivision 1 shall provide for a refund of the precomputed finance charge according to the actuarial method if the loan is paid in full by cash, renewal or refinancing, or a new loan, one month or more before the final installment due date. The actuarial method for the purpose of this section is the amount of interest attributable to each fully unexpired monthly installment period of the loan contract following the date of prepayment in full, calculated as if the loan was made on an interest-bearing basis at the rate of interest provided for in the note based on the assumption that all payments were made according to schedule. A precomputed loan for the purpose of this section means a loan for which the debt is expressed as a sum comprised of the principal amount and the amount of interest for the entire term of the loan computed actuarially in advance on the assumption that all scheduled payments will be made when due, and does not include a loan for which interest is computed from time to time by application of a rate to the unpaid principal balance, interest-bearing loans, or simple-interest loans. For the purpose of calculating a refund for precomputed loans under this section, any portion of the finance charge for extending the first payment period beyond one month may be ignored. Nothing in this section shall be considered a limitation on discount points or other finance charges charged or collected in advance, and nothing in this section shall require a refund of the charges in the event of prepayment. Nothing in this section shall be considered to supersede section 47.204."

Page 5, after line 23, insert:

"Sec. 10. Minnesota Statutes 1998, section 47.20, subdivision 9, is amended to read:

Subd. 9. [ESCROW ACCOUNTS.] For purposes of this subdivision the term "mortgagee" shall mean all state banks and trust companies, national banking associations, state and federally chartered savings associations, mortgage banks, savings banks, insurance companies, credit unions or assignees of the above.

(a) Each mortgagee requiring funds of a mortgagor to be paid into an escrow, agency or similar account for the payment of taxes or homeowner's insurance premiums with respect to a mortgaged one-to-four family, owner occupied residence located in this state, unless the account is required by federal law or regulation or maintained in connection with a conventional loan in an original principal amount in excess of 80 percent of the lender's appraised value of the residential unit at the time the loan is made or maintained in connection with loans insured or guaranteed by the secretary of housing and urban development, by the administrator of veterans affairs, or by the administrator of the farmers home administration or any successor, shall calculate interest on such funds at a rate of not less than three percent per annum. Such interest shall be computed on the average monthly balance in such account on the first of each month for the immediately preceding 12 months of the calendar year or such other fiscal year as may be uniformly adopted by the mortgagee for such purposes and shall be annually credited to the remaining principal balance on the mortgage, or at the election of the mortgagee, paid to the mortgagor or credited to the mortgagor's account. If the interest exceeds the remaining balance, the excess shall be paid to the mortgagor or vendee. The requirement to pay interest shall apply to such accounts created in conjunction with mortgage loans made prior to July 1, 1996, and on or after July 1, 1999.

(b) Unless the account is exempt from the requirements of paragraph (a), a mortgagee shall allow a mortgagor to elect to discontinue escrowing for taxes and homeowner's insurance after the seventh anniversary of the date of the mortgage, unless the mortgagor has been more than 30 days delinquent in the previous 12 months. This paragraph shall apply to accounts created prior to July 1, 1996, as well as to accounts created on or after July 1, 1996. The mortgagor's election shall be in writing. The lender or mortgage broker shall, with respect to mortgages made on or after August 1, 1997, notify an applicant for a mortgage of the applicant's rights under this paragraph. This notice shall be given at or prior to the closing of the mortgage loan and shall read substantially as follows:

"NOTICE OF RIGHT TO DISCONTINUE ESCROW

If your mortgage loan involves an escrow account for taxes and homeowner's insurance, you may have the right in five years to discontinue the account and pay your own taxes and homeowner's insurance. If you are eligible to discontinue the escrow account, you will be notified in five years."

If the escrow account has a negative balance or a shortage at the time the mortgagor requests discontinuance, the mortgagee is not obligated to allow discontinuance until the escrow account is balanced or the shortage has been repaid.

(c) The mortgagee shall notify the mortgagor within 60 days after the seventh anniversary of the date of the mortgage if the right to discontinue the escrow account is in accordance with paragraph (b). For mortgage loans entered into, on or prior to July 1, 1989, the notice required by this paragraph shall be provided to the mortgagor by January 1, 1997.

(d) Effective January 1, 1998, the requirements of paragraph (b), regarding the mortgagor's election to discontinue the escrow account, and paragraph (c), regarding notification to mortgagor, shall apply when the fifth anniversary of the date of the mortgage has been reached.

(e) A mortgagee may require the mortgagor to reestablish the escrow account if the mortgagor has failed to make timely payments for two consecutive payment periods at any time during the remaining term of the mortgage, or if the mortgagor has failed to pay taxes or insurance premiums when due. A payment received during a grace period shall be deemed timely.

(f) The mortgagee shall, subject to paragraph (b), return any funds remaining in the account to the mortgagor within 60 days after receipt of the mortgagor's written notice of election to discontinue the escrow account.

(g) The mortgagee shall not charge a direct fee for the administration of the escrow account, nor shall the mortgagee charge a fee or other consideration for allowing the mortgagor to discontinue the escrow account."

Page 26, after line 16, insert:

"Sec. 35. Minnesota Statutes 1998, section 58.13, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] No person acting as a residential mortgage originator or servicer, including a person required to be licensed under this chapter, and no person exempt from the licensing requirements of this chapter under section 58.04, shall:

- (1) fail to maintain a trust account to hold trust funds received in connection with a residential mortgage loan;
- (2) fail to deposit all trust funds into a trust account within three business days of receipt; commingle trust funds with funds belonging to the licensee or exempt person; or use trust account funds for any purpose other than that for which they are received;
- (3) unreasonably delay the processing of a residential mortgage loan application, or the closing of a residential mortgage loan. For purposes of this clause, evidence of unreasonable delay includes but is not limited to those factors identified in section 47.206, subdivision 7, clause (d);
- (4) fail to disburse funds according to its contractual or statutory obligations;
- (5) fail to perform in conformance with its written agreements with borrowers, investors, other licensees, or exempt persons;
- (6) charge a fee for a product or service where the product or service is not actually provided, or misrepresent the amount charged by or paid to a third party for a product or service;
- (7) fail to comply with sections 345.31 to 345.60, the Minnesota unclaimed property law;
- (8) violate any provision of any other applicable state or federal law regulating residential mortgage loans including, without limitation, sections 47.20 to 47.208;

(9) make or cause to be made, directly or indirectly, any false, deceptive, or misleading statement or representation in connection with a residential loan transaction including, without limitation, a false, deceptive, or misleading statement or representation regarding the borrower's ability to qualify for any mortgage product;

(10) conduct residential mortgage loan business under any name other than that under which the license or certificate of exemption was issued;

(11) compensate, whether directly or indirectly, coerce or intimidate an appraiser for the purpose of influencing the independent judgment of the appraiser with respect to the value of real estate that is to be covered by a residential mortgage or is being offered as security according to an application for a residential mortgage loan;

(12) issue any document indicating conditional qualification or conditional approval for a residential mortgage loan, unless the document also clearly indicates that final qualification or approval is not guaranteed, and may be subject to additional review;

(13) make or assist in making any residential mortgage loan with the intent that the loan will not be repaid and that the residential mortgage originator will obtain title to the property through foreclosure;

(14) provide or offer to provide for a borrower, any brokering or lending services under an arrangement with a person other than a licensee or exempt person, provided that a person may rely upon a written representation by the residential mortgage originator that it is in compliance with the licensing requirements of this chapter;

(15) claim to represent a licensee or exempt person, unless the person is an employee of the licensee or exempt person or unless the person has entered into a written agency agreement with the licensee or exempt person;

(16) fail to comply with the recordkeeping and notification requirements identified in section 58.14 or fail to abide by the affirmations made on the application for licensure;

(17) represent that the licensee or exempt person is acting as the borrower's agent after providing the nonagency disclosure required by section 58.15, unless the disclosure is retracted and the licensee or exempt person complies with all of the requirements of section 58.16;

(18) make, provide, or arrange for a residential mortgage loan that is of a lower investment grade if the borrower's credit score or, if the originator does not utilize credit scoring or if a credit score is unavailable, then comparable underwriting data, indicates that the borrower may qualify for a residential mortgage loan, available from or through the originator, that is of a higher investment grade, unless the borrower is informed that the borrower may qualify for a higher investment grade loan with a lower interest rate and/or lower discount points, and consents in writing to receipt of the lower investment grade loan.

For purposes of this section, "investment grade" refers to a system of categorizing residential mortgage loans in which the loans are: (i) commonly referred to as "prime" or "subprime"; (ii) commonly designated by an alphabetical character with "A" being the highest investment grade; and (iii) are distinguished by interest rate or discount points or both charged to the borrower, which vary according to the degree of perceived risk of default based on factors such as the borrower's credit, including credit score and credit patterns, income and employment history, debt ratio, loan-to-value ratio, and prior bankruptcy or foreclosure;

(19) make, publish, disseminate, circulate, place before the public, or cause to be made, directly or indirectly, any advertisement or marketing materials of any type, or any statement or representation relating to the business of residential mortgage loans that is false, deceptive, or misleading;

(20) advertise loan types or terms that are not available from or through the licensee or exempt person on the date advertised, or on the date specified in the advertisement. For purposes of this clause, advertisement includes, but is not limited to, a list of sample mortgage terms, including interest rates, discount points, and closing costs provided by licensees or exempt persons to a print or electronic medium that presents the information to the public; ~~and~~

(21) use or employ phrases, pictures, return addresses, geographic designations, or other means that create the impression, directly or indirectly, that a licensee or other person is a governmental agency, or is associated with, sponsored by, or in any manner connected to, related to, or endorsed by a governmental agency, if that is not the case; and

(22) mislead a borrower into accepting a higher cost residential mortgage loan by misrepresenting or omitting information about the borrower's eligibility for a lower cost residential mortgage loan offered by that mortgage originator."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Mullery amendment and the roll was called. There were 47 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Entenza	Hausman	Leighton	Mullery	Skoglund
Bakk	Folliard	Hilty	Lenczewski	Opatz	Smith
Biernat	Gleason	Jaros	Luther	Osthoff	Tomassoni
Carlson	Gray	Johnson	Mahoney	Otremba	Trimble
Carruthers	Greenfield	Kahn	Mariani	Pugh	Tunheim
Chaudhary	Greiling	Kelliher	McCollum	Rest	Wagenius
Clark, K.	Haake	Koskinen	McGuire	Rukavina	Winter
Dawkins	Hackbarth	Larson, D.	Milbert	Schumacher	

Those who voted in the negative were:

Abeler	Dorman	Howes	Mares	Reuter	Tuma
Abrams	Dorn	Huntley	McElroy	Rhodes	Van Dellen
Anderson, B.	Erhardt	Jennings	Molnau	Rifenberg	Vandever
Bishop	Erickson	Juhnke	Mulder	Rostberg	Wenzel
Boudreau	Finseth	Kalis	Murphy	Seagren	Westerberg
Bradley	Fuller	Kielkucki	Ness	Seifert, J.	Westfall
Broecker	Gerlach	Knoblach	Nornes	Seifert, M.	Westrom
Buesgens	Goodno	Krinkie	Olson	Skoe	Wilkin
Cassell	Gunther	Kubly	Osskopp	Stanek	Wolf
Clark, J.	Haas	Kuisele	Ozment	Stang	Workman
Daggett	Harder	Larsen, P.	Paulsen	Storm	Spk. Sviggum
Davids	Hasskamp	Leppik	Pawlenty	Swenson	
Dehler	Holberg	Lieder	Pelowski	Sykora	
Dempsey	Holsten	Lindner	Peterson	Tingelstad	

The motion did not prevail and the amendment was not adopted.

Clark, K.; Bakk; Mariani; Pugh; Entenza; Kahn; Hasskamp; Hilty; Osthoff; Seifert, J.; Tomassoni; Smith; Anderson, I.; Gray and Wagenius moved to amend S. F. No. 1330, the unofficial engrossment, as amended, as follows:

Page 14, after line 34, insert:

"Sec. 21. [48.514] [TRANSACTION ACCOUNTS; CHECK DEBITING.]

A financial intermediary must process checks drawn against a transaction account by debiting the checks in sequence by check number received each day. This requirement does not apply if the financial institution has offered the customer the choice of having checks processed in sequence by number or by another method, and the customer has selected the other method.

The definitions in section 48.512, subdivision 1, apply to this section."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Clark, K., et al amendment and the roll was called. There were 64 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Abeler	Folliard	Johnson	Luther	Paymar	Tomassoni
Anderson, I.	Gleason	Juhnke	Mahoney	Pelowski	Trimble
Bakk	Gray	Kahn	Mariani	Peterson	Tunheim
Biernat	Greenfield	Kalis	McCollum	Pugh	Vandever
Carlson	Greiling	Kelliher	McGuire	Rest	Wagenius
Carruthers	Haake	Knoblach	Milbert	Rukavina	Wenzel
Chaudhary	Hasskamp	Koskinen	Mullery	Schumacher	Westerberg
Clark, K.	Hausman	Kubly	Murphy	Seifert, J.	Westrom
Dawkins	Hilty	Larson, D.	Opatz	Skoe	Winter
Dorn	Jaros	Leighton	Osthoff	Skoglund	
Entenza	Jennings	Lenczewski	Otremba	Smith	

Those who voted in the negative were:

Abrams	Dehler	Hackbarth	Lieder	Paulsen	Swenson
Anderson, B.	Dempsey	Harder	Lindner	Pawlenty	Sykora
Bishop	Dorman	Holberg	Mares	Reuter	Tingelstad
Boudreau	Erhardt	Holsten	McElroy	Rhodes	Tuma
Bradley	Erickson	Howes	Molnau	Rifenberg	Van Dellen
Broecker	Finseth	Huntley	Mulder	Rostberg	Westfall
Buesgens	Fuller	Kielkucki	Ness	Seagren	Wilkin
Cassell	Gerlach	Krinkie	Nornes	Seifert, M.	Wolf
Clark, J.	Goodno	Kuisle	Olson	Stanek	Workman
Daggett	Gunther	Larsen, P.	Osskopp	Stang	Spk. Sviggum
Davids	Haas	Leppik	Ozment	Storm	

The motion did not prevail and the amendment was not adopted.

S. F. No. 1330, A bill for an act relating to financial institutions; regulating fees, charges, and time periods; authorizing certain part-time banking locations; authorizing reverse stock splits; making corrections and conforming changes; amending Minnesota Statutes 1998, sections 46.041, subdivisions 1 and 3; 46.048, subdivisions 1 and 2b; 46.131, subdivision 10; 47.0156; 47.101, subdivision 3; 47.20, subdivision 6b; 47.203; 47.204, subdivision 1; 47.27, subdivision 3; 47.52; 47.54, subdivisions 2 and 3; 47.59, subdivision 12; 47.60, subdivision 3; 48.15, subdivisions 2a and 3; 48A.15, subdivision 1; 49.36, subdivision 1; 52.01; 53.03, subdivisions 1, 6, and 7; 55.04, subdivision 2; 56.02; 56.131, subdivision 1; 59A.03, subdivision 2; 168.67; 168.71; 303.25, subdivision 5; 332.15, subdivisions 2 and 3; 332.17; and 332.30; proposing coding for new law in Minnesota Statutes, chapters 48; 52; and 33A.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 109 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holberg	Mares	Pugh	Tomassoni
Abrams	Dorn	Holsten	McElroy	Rest	Tuma
Anderson, B.	Entenza	Howes	McGuire	Reuter	Tunheim
Anderson, I.	Erhardt	Huntley	Milbert	Rhodes	Van Dellen
Bakk	Erickson	Jennings	Molnau	Rifenberg	Vandev eer
Biernat	Finseth	Juhnke	Mulder	Rostberg	Wagenius
Bishop	Folliard	Kalis	Murphy	Rukavina	Wenzel
Boudreau	Fuller	Kielkucki	Ness	Schumacher	Westerberg
Bradley	Gerlach	Knoblach	Nornes	Seagren	Westfall
Broecker	Gleason	Koskinen	Olson	Seifert, J.	Westrom
Buesgens	Goodno	Krinkie	Opatz	Seifert, M.	Wilkin
Carlson	Greiling	Kubly	Osskopp	Skoe	Wolf
Carruthers	Gunther	Kuisle	Osthoff	Smith	Workman
Cassell	Haake	Larsen, P.	Otremba	Stanek	Spk. Sviggum
Clark, J.	Haas	Larson, D.	Ozment	Stang	
Daggett	Hackbarth	Leppik	Paulsen	Storm	
Davids	Harder	Lieder	Pawlenty	Swenson	
Dehler	Hasskamp	Lindner	Pelowski	Sykora	
Dempsey	Hilty	Luther	Peterson	Tingelstad	

Those who voted in the negative were:

Chaudhary	Greenfield	Kelliher	Mahoney	Mullery	Trimble
Clark, K.	Hausman	Leighton	Mariani	Paymar	Winter
Dawkins	Jaros	Lenczewski	McCollum	Skoglund	

The bill was passed, as amended, and its title agreed to.

S. F. No. 1218, A bill for an act relating to reemployment insurance; making technical changes; modifying procedures; complying with federal requirements; modifying definitions; amending Minnesota Statutes 1998, sections 268.035, subdivisions 3, 4, 5, 6, 8, 12, 14, 15, 18, 20, 24, 30, 32, and by adding a subdivision; 268.042, subdivision 3; 268.045; 268.047, subdivisions 1, 2, 3, and 4; 268.048; 268.051, subdivisions 1, 2, 3, 4, 5, and 8; 268.052; 268.053; 268.057, subdivisions 4 and 10; 268.058; 268.0625; 268.064; 268.065; 268.067; 268.068; 268.069; 268.07; 268.085; 268.095; 268.101; 268.103, by adding a subdivision; 268.105; 268.115; 268.125, subdivisions 1, 4, and 5; 268.135; 268.145; 268.155; 268.18; 268.182; 268.186; 268.188; 268.192, subdivision 2;

268.194; 268.196; 268.198; 268.21; 268.23; and 268.30, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1998, sections 268.021; and 268.057, subdivisions 8 and 9; Minnesota Rules, parts 3305.0100; 3305.0200; 3305.0300; 3305.0400; 3305.0500; 3305.0600; 3305.0700; 3305.0800; 3305.0900; 3305.1100; 3310.1500; 3310.1600; 3310.1700; 3310.1800; 3310.1900; 3310.2000; 3310.2100; 3310.2200; 3310.5100; and 3310.5800.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holberg	Lieder	Pawlenty	Sykora
Abrams	Dorn	Holsten	Luther	Paymar	Tingelstad
Anderson, B.	Entenza	Howes	Mahoney	Pelowski	Tomassoni
Anderson, I.	Erhardt	Huntley	Mares	Peterson	Trimble
Bakk	Erickson	Jaros	Mariani	Pugh	Tuma
Biernat	Finseth	Jennings	McCollum	Rest	Tunheim
Bishop	Folliard	Johnson	McElroy	Reuter	Van Dellen
Boudreau	Fuller	Juhnke	McGuire	Rhodes	Vandever
Bradley	Gerlach	Kahn	Milbert	Rifenberg	Wagenius
Broecker	Gleason	Kalis	Molnau	Rostberg	Wenzel
Buesgens	Goodno	Kelliher	Mulder	Rukavina	Westerberg
Carlson	Gray	Kielkucki	Mullery	Schumacher	Westfall
Carruthers	Greenfield	Knoblach	Murphy	Seagren	Westrom
Cassell	Greiling	Koskinen	Ness	Seifert, J.	Wilkin
Chaudhary	Gunther	Krinkie	Nornes	Seifert, M.	Winter
Clark, J.	Haake	Kubly	Olson	Skoe	Wolf
Clark, K.	Haas	Kuisle	Opatz	Skoglund	Workman
Daggett	Hackbarth	Larsen, P.	Osskopp	Smith	Spk. Sviggum
Davids	Harder	Larsen, D.	Osthoff	Stanek	
Dawkins	Hasskamp	Leighton	Otremba	Stang	
Dehler	Hausman	Lenczewski	Ozment	Storm	
Dempsey	Hilty	Leppik	Paulsen	Swenson	

The bill was passed and its title agreed to.

Pawlenty moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

House Resolution No. 9 was reported to the House.

HOUSE RESOLUTION NO. 9

A house resolution commending Minnesota's volunteers during Volunteer Recognition Week, April 18-24, 1999.

Whereas, volunteering is a truly selfless activity that is vital to building and strengthening our communities, while helping those who are most truly in need; and

Whereas, every day two out of every three Minnesotans, amounting to over 2 million people, volunteer their time by working in shelters for the homeless, mentoring at-risk youth, participating in local and state government, performing chores for senior citizens, helping to preserve our environment, and assisting with a multitude of other services that help to bring our communities together; and

Whereas, 67 percent of Minnesotans 18 and over are involved in volunteering, compared to a national average of 49 percent, and the value of their service equals an astounding \$6.2 billion annually; and

Whereas, the result of this tremendous outpouring of citizen involvement is an overall improvement of our quality of life in this state, and during Volunteer Recognition Week we salute those who give generously of themselves by volunteering their time and energy to numerous worthy causes; *Now, Therefore,*

Be It Resolved by the House of Representatives of the State of Minnesota that it commends Minnesota's volunteers for their generosity and hard work and honors them during Volunteer Recognition Week, April 18-24, 1999, and throughout the rest of the year.

Be It Further Resolved that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker, and transmit it to the Minnesota Office of Citizenship and Volunteer Services.

Rukavina moved that House Resolution No. 9 be now adopted. The motion prevailed and House Resolution No. 9 was adopted.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 7:

Haake, Ozment and Johnson.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 70:

Daggett, Stanek and Tomassoni.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 174:

Stang, Dehler and Juhnke.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 270:

Osskopp, Davids and Osthoff.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 371:

Stang, Dehler and Juhnke.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 837:

Davids, Jennings and Paulsen.

REPORT FROM THE CHAIR OF THE
COMMITTEE ON WAYS AND MEANS

April 19, 1999

Edward A. Burdick
Chief Clerk of the House of Representatives
The State of Minnesota

Dear Mr. Burdick:

House Rule 4.03 requires the Chair of the Committee on Ways and Means to certify to the House of Representatives that the Committee has reconciled any finance and revenue bills with the budget resolution and targets.

Please accept this letter as certification that H. F. No. 2404 reconciles with the budget resolution and targets.

Sincerely,

REPRESENTATIVE DAVE BISHOP
Chair, House Ways and Means Committee

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 12:00 noon, Tuesday, April 20, 1999. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Tuesday, April 20, 1999.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

